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THE SUBSTANCE

OF THE

SPEECH

OF

LORD VISCOUNT MELVILLE,

IN THE

HOUSE OF COMMONS,

On the 11th June, 1805.

Compiled on a Comparison of a Variety of Notes taken by different Persons, and believed, on the whole, not to be materially defective in Point of Correctness.

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SUBSTANCE

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LORD VISCOUNT MELVILLE.

HITHERTO every attempt I have made to be heard in explanation or vindication of my own conduct and character, brought in question by the Tenth Report of the Commissioners of Naval Enquiry, has been in vain; and, therefore, it is my earliest duty to make my acknowledgments to this House, for that privilege having been at last conceded to me.

Under these circumstances, it might be unbecoming in me, *in this place*, to call in question the justice of any of your proceedings which have already taken place. If, therefore, before making any observations on the Report now produced by your own Committee, I offer some preliminary considerations, it is only from

an anxious hope of being able to satisfy you, that whatever considerations may have guided the wisdom of the House in their past proceedings, it is essential to the ends of justice, that before deciding on this Report, now in my hands, you should give a patient and dispassionate hearing to the considerations I wish to offer.

I shall, therefore, begin by shortly stating the different modes in which I have attempted to obtain this indulgence. I was examined by the Commissioners of Naval Enquiry, *without the knowledge of the objects of investigation, and while they were in possession of the whole of Mr. Trotter's accounts with Messrs. Coutts and Co.*

It is on the items scattered throughout the pages of those accounts, that their observations on my conduct are made, and from which their conclusions are chiefly drawn; but, when I was before them, not one item of those accounts was shewn to me, or explanation asked concerning any one of them. In fact, the first time I ever saw them, or knew that such accounts existed, was when I read them in the Tenth Report.

I am bound to suppose the Commissioners conceived a reserve of this nature to be necessary

the objects they had prescribed to themselves in pursuing the enquiry entrusted to them. I shall not, *at present*, stop to examine into the justice of that mode of proceeding. I mean barely to notice the fact, in illustration of the assertion I have made; that this is the first moment I have been permitted, in any shape, to offer any explanation on the subject of those resolutions which have been enrolled on the journals of this House, and from thence have found their way to the foot of the Throne.

With the same view, I allude to my Letter, of the 28th of March last, to the Commissioners, after the Report made its appearance, and of which, and their answer, the following are copies.

Admiralty, 28th March, 1805.

GENTLEMEN,

Having read your Tenth Report, and observing particularly the following paragraph in the 141st page;—

"However the apprehension of disclosing deli-
"cate and confidential transactions of Government
"might operate with Lord Melville in withholding
"information respecting advances to other depart-

"ments, we do not perceive how that apprehension "can at all account for his refusing to state, whether "he derived any profit or advantage from the use or "employment of money issued for the services of "the Navy. If his lordship had received into his "hands such monies as were advanced by him to "other departments, and had replaced them as soon "as they were repaid, he could not have derived any "profit or advantage from such transactions, how-"ever repugnant they might be to the provisions of "the legislature for the safe custody of the public "money:"—

I think it necessary to state the following observations, in order to place, in their just view, the grounds on which I declined answering your questions, and which you appear not to have accurately understood.

When you first called upon me for information, I stated to you, that I had not materials on which I could frame such an account as you required me at that time to prepare; and in a communication with Mr. Trotter, before my examination on the 5th of November last, I learnt, for the first time, that in the accounts which he had kept respecting my private concerns, he had so blended his own private monies with what he had in his hands of public money, that it was impossible for him to ascertain with precision, whether the advances which he had occasion to make to me in

the

the course of his running private account with me, were made from the one or from the other of the aggregate sums which constituted his balance with the house of Messrs. Coutts.

This circumstance, which I understood Mr. Trotter had himself distinctly communicated to you, made it impossible for me to return any other answer than I did to the general question which you put to me, "Whether Mr. Trotter had applied any of the money "issued for carrying on the current service of the "Navy, for my benefit or advantage?" and to this circumstance I uniformly referred in my answers to other questions respecting the manner in which Mr. Trotter applied the money in his hands.

When you put the question to me, "Whether I "did direct or authorize Mr. Trotter to lay out or "apply, or cause to be laid out or applied, any of "the money issued for carrying on the current service "of the Navy, to my benefit or advantage?"—my answer was, "To the best of my recollection, I never "did." That answer I now repeat.

Had you proceeded to enquire whether I had ever any understanding, expressed or implied, with Mr. Trotter, respecting any participation of advantages derived from the custody of the public money; or, whether I at any time knowingly derived any advantage to myself from any advances of public money; I should have had no hesitation in declaring, as

I now do declare, that there never was any such understanding, nor any thing like it, between Mr. Trotter and myself; that I never knowingly derived any such advantage; and that, whatever emolument accrued to Mr. Trotter in the conduct of the pecuniary concerns of the office, was, so far as I am informed, exclusively his own.

With respect to any advances which Mr. Trotter might make on my private account, I considered myself as debtor to him alone, and as standing, with regard to them, in no other predicament than I should have done with any other man of business, who might be in occasional advance to me in the general management of my concerns entrusted to him.

It is impossible for me to ascertain, from any documents or vouchers in my hands, or now existing, what the extent of these advances may have been at any particular period. The accounts which you have inserted in your Report, I never saw, till I saw them in the Report itself. They are no accounts of mine, nor am I a party to them. They contain a variety of sums issued nominally to me, which never came into my hands, and they give no credit for the various sums received by Mr. Trotter on my private account, from my salary as Treasurer of the Navy, and from other sources of income, of which he was in the receipt; nor do they take any notice of the securities of which he was in possession, for the repayment of any

balance

balance at any time due to him from my private funds.

With respect to the sums of naval money advanced to me, and applied to other services, I do not feel it necessary to make any additional observations; except to declare, that all those sums were returned to the fund from which they were taken; having in no instance been withdrawn from it for any purpose of private emolument or advantage.

Before I conclude, I wish to correct an inaccuracy which I observe in one part of my evidence.—In Appendix, N° 7, page 192, the question is put to me, "did you derive any profit or advantage from the use "or employment of public money issued for carrying "on the current service of the Navy, between the "19th of August 1782 and the 30th of April 1783, "or between the 1st of February 1784 and the 31st "December 1785, during which periods you held "the office of Treasurer of the Navy?"—which question I there answer by a reference to an answer given to a similar question put to me before.

This answer is inaccurate, in so far as it contains a reference to Mr. Trotter's mode of blending his funds in his private account with Messrs. Coutts.

Mr. Trotter was not Paymaster till the year 1786.

The circumstances, therefore, relative to Mr. Trotter's account, which precluded my returning an answer to your former question, do not apply to the periods specified in that last mentioned.

And

And I can, therefore, have no difficulty in declaring, that during those periods I did not derive any advantage from the use or employment of money issued for carrying on the service of the Navy.

Having stated these facts, it is almost unnecessary for me to add, that I am ready, at any time, to verify them by my oath.

I am, Gentlemen,

Your most obedient, humble Servant,

MELVILLE.

Commissioners of Naval Enquiry.

Office of Naval Enquiry,
Great George-street, 2d. April, 1805.

My Lord,

We have received your Lordship's letter of the 28th of last month; by which you intimate that we appear not to have accurately understood the grounds on which you declined answering our questions; and submit to us some observations in order to place those grounds in their just view; and also express a wish, before you conclude, to correct an inaccuracy in one part of your evidence, and a readiness to verify by your oath the facts stated in that letter. If it be the object of this communication that we should again require your Lordship's attendance for the purpose of being examined touching these matters, and that we should make a supplemental Report upon the result of that examination, and such

other

other examinations as we might thereupon judge necessary, there can be no disinclination on our part (as far as we are concerned in the proceeding) to meeting your Lordship's wishes: but, it appears to us that the enquiry, which is the subject of the Tenth Report, has attained that period, when it would not become us to adopt such a measure merely upon the suggestion of any of the parties to whose conduct that Report relates.

We were occupied several months in investigating the mode of conducting the business of the office of Treasurer of the Navy; those who were examined by us had the fullest opportunity of stating and explaining all things which related to the management of that department, or to the share which they respectively had in it, and of correcting, at any time during the progress of the enquiry, any mistakes which might inadvertently have been made. Our opinions and observations upon the irregularities and abuses, which we discovered, were formed and drawn up with the utmost care and deliberation; and they are now submitted to the three branches of the legislature, as the act, by which we are appointed, requires. If it could be made to appear, upon a representation to them, that any thing has been omitted on our part, that any misunderstanding or error had occurred, and that a further enquiry is advisable, upon these or any other grounds; it would be for them to direct such further enquiry, and to decide by whom, and in what manner, it should be

prosecuted. But, in the present circumstances, it appears to us, that we cannot with propriety resume it.

We have the honour to be, My Lord,

Your Lordship's

most obedient humble servants,

CH. M. POLE.
EWAN LAW.
JOHN FORD.
HENRY NICHOLLS.
WM MACKWORTH PRAED.

To the Right Hon. Viscount Melville.

As the fact appears on the proceedings of this House of the 8th of April, I need not remark, that another opportunity was denied to me by its decision on the question of instituting an enquiry before proceeding to decision.

My letter to Lord Hawkesbury is another proof of what I have asserted, and this House is acquainted with the result communicated in the conference between the two Houses of Parliament, by which the hopes I had entertained of some kind of explanation being opened to me, were precluded, and your Committee reduced to the necessity of making their Report, without receiving explanation from me in any one particular. This was a consequence resulting from the decision of this House on the 8th of April;

for,

for, if the criminating resolutions of that day had not been passed, *previously to enquiry*, there would have been no bar, from the privileges of the House of Lords, to have induced them to restrain me from being examined before the Committee. The terms in which I addressed the Lords, in my letter to Lord Hawkesbury, is a proof that no exertion was omitted by me that could tend to get over the difficulty.

My Lord, *Wimbledon, 6th May*, 1805.

I observe that, on the message from the House of Commons, desiring my attendance to be examined by a Committee of their number, your Lordship has started a difficulty, founded on a standing order of the House of Lords. I certainly was not aware that such a standing order existed, and had taken for granted, that the licence of the House, to my attending the Committee of the House of Commons, would have been given as a matter of course.

On a question of privilege, originating in the manner this has done, your lordship will readily perceive the reasons which render it impossible for me to take any part; but, I trust, I am guilty of no improper intrusion, when I put your Lordship in possession of my own anxious wishes, that, if possible, the difficulty may be got over, and that I may be at liberty to act upon my own feelings, which notwithstanding the

singular circumstances in which I am placed, urge me most earnestly to express my hopes, that I shall not be debarred from giving my attendance on the Committee of the House of Commons, as requested in the message from that House.

In stating these sentiments to your Lordship, you will, of course, understand yourself at liberty to make any use of them you may think proper.

I have the honour to be, &c. &c.

(Signed) MELVILLE.

I cannot conclude this subject, without adverting to another proceeding of this House, which has likewise tended, in a very material degree, to limit the means of any explanations being given, which could remove any of the imputations which have been cast upon me. I allude to the Resolution of the 29th of April, directing the Attorney-General to institute a civil suit, for the recovery of any profits made by Mr. Trotter or myself from the monies issued for naval purposes. I can know nothing with accuracy that passed in this House when this Resolution was adopted; but if I am to give credit to those channels of information which are connived at in the daily publications, which are more or less perused by all of us, I am to understand

stand it to have been stated in argument, that *if* the measure suggested in that resolution was adopted, there could be no further proceeding against me in any other mode. Upon this ground it was opposed, by those who are not supposed to have any particular partiality towards me. With the recollection of this in my mind, I may be perhaps forgiven, if I expressed some degree of surprise, when I heard of the intimation given of an intended motion of impeachment. It was not, however, to make this remark, that I have adverted to this Resolution. I allude to it for the purpose of observing, that the delicacy of your Committee to Mr. Trotter, joined to their not having it in their power to examine myself, has certainly tended to deprive me of the benefit of any elucidation that might have arisen from a more minute examination of the subject. Mr. Trotter is not interrogated as to any of the supposed participation which has been stated to have taken place between him and me, neither is he asked, whether he was directed by me to lay out any public money for my benefit; nor is he examined as to my privity, or knowledge of any of those various modes of using the public money, stated in the twelfth and thirteenth Resolutions of the 8th of April.

I have been the more pointed in bringing these particulars to the recollection of the House; because, by some strange perversion of the truth, an insinuation has reached me, that I had omitted, till this last stage of your proceeding, to take any measures for my own vindication. The *direct reverse is the fact.*

And even now, I find myself placed in a very awkward situation. Understanding that, in consequence of the general intimation some time ago given in this House, of my desire to be heard in person, new difficulties had been started in another place, I again addressed myself to Lord Hawkesbury, by a letter, in the following terms;

Wimbledon, 7th June, 1805.

Having reason to believe, that in consequence of a Report made to the House of Commons by a Select Committee, discussions are likely to take place in that House, on which I may be desirous of being heard in explanation and defence of parts of my conduct, I am anxious to obtain the permission of the House of Lords to attend the House of Commons for that purpose, if I should think fit.

In my former letter to your Lordship of the 6th Instant, I expressed to you, as strongly as I could, my anxiety to be afforded some means of removing the

imputations

imputations which had been laid to my charge, and since that time many circumstances have occurred to increase that anxiety, and I entreat your Lordship to give your best assistance to forward the object of my present request.

I have the honor to be, &c. &c.

(Signed) MELVILLE.

To the Lord Hawkesbury.

And the Resolution of the House of Lords is conceived in the following words:

Resolved,—That the Lord Viscount Melville have leave to go down to the House of Commons, and to defend himself there, if he shall think fit, on all points on which the House of Commons have not previously passed any accusatory or criminatory resolutions against him.

Circumscribed as I am by this Resolution, I know I am not at liberty, even with your indulgence, to defend myself against any of the Resolutions of the 8th of April last; and therefore, if inadvertently I should drop any thing that may be so construed, I hope it will be understood that it is not with an intention to arraign in this place the justice of those Resolutions, but with the view of being certain that I understand,

understand, and do not misrepresent them.

* The Resolutions of the 8th of April are fourteen in number, to which another was added on the 29th. The twelfth, thirteenth, and fourteenth are chiefly deserving of attention, the previous ones being merely statements of facts, which of themselves could not have attracted any notice.

The twelfth Resolution contains a statement of a variety of positions, apparently meant to lay the basis for the conclusion drawn in the fourteenth Resolution.

From the terms of the twelfth I am left somewhat doubtful, whether it was meant to apply to me personally. But as I cannot suppose it possible that the House of Commons could intend to leave it ambiguous, *whom* they meant to charge with criminality, I must take it for granted that I am implicated in it; and I am the more confirmed in this supposition, from having observed the comments which, in other places, have been lavished, without any reserve, upon that Resolution, and those comments often made by persons, who being Members of Parliament, were, I presume, of course, properly informed, and competent

petent to judge of the object of the Resolutions which the House of Commons had adopted.

In order, therefore, to ascertain the full extent of the charges contained in the twelfth Resolution, it must be coupled with, and taken in conjunction with the thirteenth; and the joint import of the two Resolutions is, that "Mr. "Trotter did at various times, under pretence of "naval services, and by a manifest evasion of "the Act, *draw* from the Bank, and *invest* in "Exchequer and Navy Bills, and *lend* upon the "security of Stock, and *employ* in discounting "private bills, and in the purchase of Bank and "East India Stock, large sums of public money "for the purposes of private emolument, and in "doing so, he acted with my knowledge and "consent, being my private agent."—And although the charge does not expressly say so, it certainly concludes in such a manner as must leave a full conviction on the mind of every Reader, that "Mr. Trotter, so acting as my private "agent, did occasionally lay out ten or twenty "thousand pounds in those transactions, for my "use and benefit."

Upon this charge I must, in truth and justice to myself, solemnly assert, before this

House, and in the face of my country, that it is erroneous in every particular. I *never* knew that Mr. Trotter had drawn any money, for the purposes of private emolument, in manifest evasion of the act. I *never* knew that he had invested any money in Exchequer or Navy Bills. I *never* knew that he had *lent* upon the security of stock. I *never* knew that he had employed any money in the discount of private bills. I never knew that he employed any *public* money in the purchase of Bank or India Stock. Having disclaimed all knowledge of these transactions, it is scarcely necessary to add, that if any such existed, they were not, as stated, with my privity and consent; neither have I the smallest knowledge or belief, that Mr. Trotter *ever* did lay out, for my use or benefit, in any such modes, any sum of public money whatever.

Having, in so pointed a manner, disclaimed all knowledge of any of those transactions detailed in the twelfth resolution, I need not stop a moment to express the indignation I must have felt, when I found that not only that knowledge was imputed to me, but that, with a view to give the colour of probability to the insinuation of personal profit arising from

such transactions (for no man ventured to advance it as a charge) it was even surmised, that Mr. Trotter had, in the execution of those transactions, enjoyed the benefit of my confidential knowledge of the secrets of Government.

I am aware, that notwithstanding all I have represented, my statement would still be deficient, if I were to pass over in silence a charge, which if not credited or adopted in this House, has certainly, through the medium of your Resolutions, made its way to almost every corner of the kingdom; and it must be within the knowledge or observation of every man, that no pains have been spared, no means neglected, to gain proselytes to the belief of this charge. You will anticipate me, when I mention that of my having been a participator in the profits which Mr. Trotter is supposed to have made from the public money that has passed through his hands.

This is a charge which I *had* positively denied, before you passed the Resolutions of the 8th of April; and if a question to this effect had been put to Mr. Trotter, in any shape, since that insinuation was made, either

in the Tenth Report, or any where else, I have reason to know, that he would have embraced the " opportunity of contradicting, in the most " unequivocal and unqualified terms, the malig- " nant invectives against my character, founded " on the assertion, that I had, directly or in- " directly, participated in any of the emoluments " he may have derived from the use of the money " imprest for naval services and entrusted to his " charge, and that I never was, at any moment " when he served under me, in the know- " ledge either of the *nature*, *extent* or *application* " of those emoluments."

I am at a loss to conjecture, whether, notwithstanding such direct and solemn assertions made by those who alone can be informed of the truth, this calumny is still to be believed and circulated. But there is one fact in refutation of it, which cannot fail to carry full conviction to the mind of every man, if that upon which it rests is not disbelieved or disproved. I allude to the circumstance of which (in the midst of the loudest clamours against me) a denial has never been attempted, that every sum advanced to me by Mr. Trotter, in any shape, or on any account, has been repaid to

the

the *uttermost farthing*, and that I am not indebted upon the Treasurership in question in one single mite, either to him or to the public.

Is this reconcileable with the idea of participation? The term supposes receipts, arising out of a joint concern, upon which profits have arisen and are divided, and of course excludes the supposition of any restitution; and I should trust, that this observation, must for ever silence those who have been the most active in the propagation of this aspersion.

Not only in the Resolutions upon which I have been observing, but in other modes and in other places, my connection with Mr. Trotter, as my private agent, has been so often alluded to, and its having been insinuated for the most malevolent purposes, that my connection with him was so intimate, as to procure for him a communication of the confidential transactions of Government, I trust it will not be deemed foreign to the purpose of my attendance in this House, if I detain Gentlemen a few minutes on this subject.

When I came into the Navy Pay Office I found him there, having been introduced to it, as I understand, in consequence of his relation-

ship

ship to the late Sir Gilbert Elliot and Mr. Coutts. He was, from these connections, countenanced by Mr. Douglas, the Paymaster, and occasionally with me in the course of official business. But he attracted my particular notice, by his zeal in pointing out to me the many means that were used to deprive the seamen and their families of the full amount of what they were justly entitled to. He was encouraged by me to prosecute those enquiries, and I was indebted to him for many of those suggestions, which enabled me, during the time I was Treasurer of the Navy, to propose to Parliament, and place upon the Statute Book, that system of regulations and arrangement, which has since given complete security, comfort, and protection, to every person, of every rank in the military service of the Navy, and after their deaths, has extended the same benefits to their widows and children.

These circumstances naturally increased my favourable dispositions towards Mr. Trotter, and I selected him for the office of Paymaster on the death of Mr. Douglas. In consequence of this he was in the receipt of my salary, and being constantly, from his situation, near me, he became naturally the channel, through which I had

had it in my power to conduct many inferior transactions relating to my private affairs.

The following is a copy of the Power o Attorney, by which, as Treasurer of the Navy, I authorized Mr. Trotter to draw the money from the Bank of England:

KNOW all Men by these Presents, That I, the Right Honourable Henry Dundas, Treasurer of His Majesty's Navy, as well within Great-Britain as without, have nominated, constituted, and appointed, Alexander Trotter, Esq. my Paymaster, hereby giving and granting to him full power and authority to draw on the Governor and Company of the Bank of England, for and upon my account, as Treasurer of his Majesty's Navy, all and every sum and sums of money that now are, and shall hereafter be wanted for the public services, under my care of payment, *he being particularly careful to specify in each and every draft, the service for which the money is drawn.*

Such is the short history of the origin and progress of Mr. Trotter's connection with me in business, either public or private; and whatever cloud may now hang over him, and however some parts of his conduct may have recently brought upon me much disquietude and anxiety, I shall never refuse to him the justice of acknowledging, that under his management the Pay Office

fice of the Navy was conducted, for a period of fourteen years, without one payment being a moment delayed at the Treasurer's Office, and an account of not less than one hundred and thirty-four millions sterling has been closed, without the loss of one farthing having arisen to the Public during the whole of that period.

I now proceed to the fourteenth Resolution, which is in the following words:—"That the "Right Hon. Lord Viscount Melville, having "been privy to, and having connived at the "withdrawing from the Bank of England, for "the purpose, as stated by Lord Melville, of "private emolument to Mr. Trotter, sums issued "to Lord Melville as Treasurer of the Navy, "and placed to his account in the Bank, ac-"cording to the provisions of the 25th Geo. III. "cap. 31, has been guilty of a gross violation "of the law, and a high breach of duty."

Before examining the justice of the conclusion drawn in the end of this Resolution, it is essential to understand the fact on which it is grounded, and which I am certain is altogether misunderstood. It is assumed, and my own authority quoted for it, *that I was privy to the withdrawing from the Bank of England, for the*

the purpose of private emolument to Mr. Trotter, sums issued to me as Treasurer of the Navy. If by these words it is meant to convey, that Mr. Trotter had any power or authority from me, to draw sums indiscriminately from the Bank for his own use or emolument, I deny that I was privy to any such transactions. I deny that I ever said so, and I affirm, there is no evidence to justify such an assertion. But if it is meant to state, that after the money was drawn by assignments, under the authority of the competent Boards, it was illegal to put it into the custody of Mr. Coutts, instead of putting it in the iron chest, or in the hands of the respective Sub-Accountants, I am yet, after all I have heard, to learn, that in doing so, the Act of Parliament was violated.

That an indiscriminate power of drawing from the Bank was given by me to Mr. Trotter, I conceive, cannot be alledged by any person, who attends to the real import of my evidence.

The first question put to me on this subject, by the Commissioners of Naval Enquiry, was in the following words:—" Did you authorize

" the Paymaster, in or about the year 1786, to " draw the money applicable to naval services, " from the Bank, and lodge it in the hands of a " private banker?"

My answer was:—" I cannot precisely fix " the time; but I am certain that I did permit " Mr. Trotter to lodge any money drawn from " the Bank, for *public purposes*, in his private " banker's hands, *during the period it was not de-* " *manded to the purposes for which it was drawn.*"

The plain import of this answer is, that when the money was legally, and in terms of the Act of Parliament, drawn from the Bank, I permitted Mr. Trotter to lodge such balance of the money assigned, as was not called for by the person or persons entitled to receive it. But there is not a syllable in the answer, to import that I gave Mr. Trotter authority to draw from the Bank, for his own private emolument, any sum that had not been assigned or drawn in terms of the provisions of the Act of Parliament.

This proposition, which I aver to be the meaning of my answer, is made still more clear in an after part of my evidence. The Commissioners put a question to me in the following words:

words: "As the money applicable to naval "services was directed to be lodged in the "Bank, by the Act of 25 Geo. III. cap. 31, "*and not to be drawn from thence without* "*specifying the services for which it is drawn,* "by what authority did you give permission to "the Paymaster of the Navy to draw the money "out of the Bank, and lodge it in the hands of "private bankers?"

From the terms of this question it struck me, that the Commissioners were proceeding on the same mistake, as that which seems to be countenanced by the general words made use of in the fourteenth resolution; I therefore immediately rectified their error by my answer, which is in the following words: "I take it for granted, "it always was drawn under the heads of service "pointed out in the Act of Parliament; *and* "*when I talk of permission, I mean it under the* "*explanation contained in answer to a former* "*question, in which I suppose the money drawn* "*under competent authority.*"

From this plain statement I feel myself authorised to repeat the assertion I have already made, that this resolution, adopting the general terms it has done, assumes and proceeds on a fact

not warranted, either by the truth of the case, or by the evidence contained in the Tenth Report of the Commissioners of Naval Enquiry; and I must here be permitted to add, that the assumption in the fourteenth Resolution, of the fact to which I have adverted, came upon me with the more surprise, as in the Report of the Commissioners they have distinctly stated the import of my evidence to be what I have now explained. The passage to which I allude is in page 142 of the Tenth Report, and in the following words: "Lord Melville states, that he certainly did permit Mr. Trotter to lodge any money drawn from the Bank, for the public purposes, in his private banker's hands, during the period that it was not demanded for the purposes for which it was drawn; but it is to be inferred from his evidence, that he intended Mr. Trotter to draw upon the Bank for the amount only of the assignments made on him by the different Boards (an account of which is furnished to him daily), and that the balance of such sum, till demanded, should *alone* be lodged by Mr. Trotter in the hands of his private bankers."

Having thus ascertained the fact as it truly stands, the next consideration is, What is the

Act

Act of Parliament, which, according to this state of the fact, the Resolution affirms to be violated? I contend, that there is not one clause of the Act prohibitory of the permission to lodge assigned money in the hands of a private banker, till the money so assigned is applied for by the person entitled to it. I hope I state my proposition distinctly, and desire it to be adverted to, that the point I at present discuss is altogether unconnected with the question, What use was made of the money when so lodged? That is a separate question, and they ought not to be blended together. I am now, in this part of the discussion, examining the truth or falsehood of a proposition, whether there is any thing in the Act of Parliament to prohibit lodging the balance of assigned money, till called for, in a private banker's hand. Suppose the case, that instead of lodging the money of the description I have stated in a private banker's hands, the practice had been to open a separate account in the Bank of England, for the deposit of such assigned money, till called for: I would ask, whether this would be a violation of the Act of Parliament? Nobody would have contended, that in such an arrangement, the Treasurer of the Navy would have

violated

violated either the letter or spirit of the Act in any one respect, or that he would have met with the smallest blame from any quarter in exercising that discretion, whereby he would be enabled to draw out the assigned money from the separate account, without having recourse to the general account raised in his name, in terms of the provisions of the Act of Parliament. And yet, if the proposition is true, that no draft could be made, except on the general account raised at the Bank in the name of the Treasurer, the violation would equally exist, in the supposed as in the real case.

The error of the opposite argument consists in supposing, that the object of the Act of 1785 went to an extent in its provisions, beyond what was ever in the view of those who proposed it, or of the Legislature which passed it. It was not a law intended to embrace all the regulations, which it might be expedient, either by legislative provisions, or by official arrangements, to establish, for the conduct of that great machine, which has now become necessary for the regular payment of the naval service. The single object which the Act had in view, was to convert the Treasurer's account from a *personal* to

an

an *official* account, and thereby to obviate an abuse which had been so much complained of, whereby Ex-Treasurers of the Navy had large balances in their hands, and remained great public accountants, many years after they were out of office. To this object its provisions are complete, and have been accurately complied with; but if you expect to find in that Act such a digest of regulations, as to exclude, in the management of the office, the discretion of the Treasurer as to many parts of his duty, you will search in vain. Even that arrangement, which has of late been so much the subject of discussion, I mean the establishment of a fixed salary to the Treasurer, in place of his former emoluments from the use of the balance in his hands, is not provided for or regulated by this Act of Parliament. That was done by the terms of his patent, several years before the Act of Parliament existed.

The observation I have just made will appear the more forcible, if Gentlemen will take the trouble of referring to the Act which passed in 1783, for regulating the office of the Paymaster General of His Majesty's Land Forces. It repeals an Act which had been passed on that

subject

subject in the preceding session, and enacts a new code and system of regulations, amounting to no less than thirty-nine clauses, and embracing minutely every circumstance connected with the business of that office. Is there any such system of regulation contained in the Act now under consideration? Certainly not. It is a short Act, of twelve clauses, confined to the only immediate object at that time in view, *viz.* what I have already expressed, the converting the Treasurer's account from a *personal* to an *official* one; but not regulating, or professing to regulate, the whole conduct of that department.

Not adverting to what I have just observed, I cannot help conceiving that Gentlemen mislead themselves, by assimilating the Navy Pay Office, in a great degree, to the Army Pay Office, and supposing that, in all respects, the one has been regulated, or can be regulated, by the principles of the other. In this they are totally mistaken. The Navy Pay Office is to the Navy, what not the Army Pay Office alone, but the Army Pay Office, with the addition of Army Agents, of Colonels of Regiments, of Barrack-Masters, and other subordinate accountants, is to the Army. The Army Pay Office issues gross sums, to be

subse-

subsequently distributed by persons holding no situation in the office. The Navy Pay Office makes the minutest individual payments: the fraction of a single seaman's yearly pay, or the quarterly allotment of a seaman's wife. It may be practicable to make all army payments by specific drafts to individuals; but it is impossible, with regard to the navy payments, many of which are for such small sums. I have been informed, that in twenty-six days of the month of January last, the payments amounted to six thousand four hundred and two in number; of which no less than three thousand two hundred and seventy-eight were of sums under twenty pounds; and one thousand eight hundred and ninety-four, in sums from one pound eight shillings to ten shillings and sixpence. Again, as to wages, there were recently, if I am accurately informed, not less than six thousand eight hundred ships' books open in the Pay room of the Office, upon any one of which, at any hour, a call might be made for the wages of any seaman who might happen not to have been present at the payment at the outport, for the money due to him for four or five years, or as many months service.

No person will contend, that in the cases referred to, it is possible to carry on the business of the department by specific drafts, in favor of the respective individuals, and I understand the impossibility has been distinctly admitted. But is it possible, consistently with this admission, not further to admit, that it could not have been in the contemplation of the Act of Parliament, by minute provisions, to regulate the whole conduct of the Office, or to alter the whole former practice, by a few provisions, directed to the single object of altering the nature of the Treasurer's account? If such had been the view of those who proposed this Act, is it possible that some clause or clauses would not have been introduced, to explain that the general expression of drafts did not mean to imply specific drafts, in payment of individuals, of such sums as those which I have just referred to? This subject was left, as it formerly had been, to the discretion and official arrangement of the Treasurer, on such principles as might be most expedient and practicable for conducting the business of the Office. It is sufficient, for the purpose of my present argument, to contend, that the expression of drafts,

drafts, in the language of the Act of Parliament, neither did nor could mean, specific drafts, in the name of each individual entitled to receive the sum drawn for.

In like manner I contend, that an authority derived from any of the competent Boards, in the shape of one or more assignments upon the Treasurer, did not render it necessary, in the Payment of such assignments, that it should be done by specific drafts, in favor of the person entitled to receive it. In the sound construction of the Act of Parliament, the sums authorised by the assignments were fairly and legally drawn, from the moment the assignments were made, nor did it make any difference in the execution of the Act, whether the sums assigned were drawn from the Bank in one draft or in ten drafts. Put the case, that ten, or any given number of the holders of assignments, had intimated a wish to receive their payment at the Office, or at Messrs. Coutts, on a particular day; it surely could not be maintained, that the Paymaster of the Navy was debarred from gratifying them in that wish, or that he was guilty of an illegality, if he made the payment agreeably to the mode suggested by themselves.

It becomes still more difficult to believe, that any such alteration was intended by the Act, when it is recollected, that the subject was brought distinctly under the view of those who passed the Act in question; and yet no such prohibition, as now supposed, was either directly or indirectly inserted in the Act. It has been repeatedly stated, and it is true, that the Act of Parliament originated in the Report of the Commissioners in 1782. These Commissioners, speaking of the difference between the Treasurer's statement of the balance in his hands on a given day, and that of the Navy Board, say: "This difference lies in the Cashier's and Victualling branches, and arises from the following "cause. When the Boards assign bills upon "the Treasurer for Payment, they immediately "give him credit for those bills in his account "kept at their Offices; but the Treasurer does "not himself take credit for any bills in his own "account till he actually pays them. The per-"sons who receive these bills do not always im-"mediately present them to the Treasurer for "payment, but frequently keep them in their "possession for a considerable time. The Trea-"surer's balance must therefore exceed the Navy

"balance,

" balance, as much as the sum of the bills assign-
" ed upon him for payment exceeds the sum of
" the bills actually paid by him. *We conceive*
" *this excess is not money for which the Treasurer*
" *is accountable to the public, but belongs to the*
" *proprietors of those bills, and remains in his*
" *hands, at their risk, until they apply to him for*
" *payment.*"

In these words, the existence, nature, and consequences of the assignments not called for, are distinctly and accurately pointed out; and is it possible to conceive, that if this Act of Parliament had meant to make any provision respecting these assignments, it would not have been done, in some such plain and precise manner, as to exclude all doubt upon the subject? It would not have been left to doubtful implication or construction of the Act, which has already, in the case of small payments, been clearly proved, not to mean generally specific drafts to individuals, as contended for in that construction of the Act which I have endeavoured to refute. It will be clearly understood, that in the argument I have stated, I only contend that the Act of Parliament had not this point in contemplation, and therefore it is unwarrantable to argue,

or to resolve, that it has been violated, by any practice which has taken place in the Navy Pay Office during my Treasurership.

Before quitting this subject, I must not omit to observe, that the practice of lodging naval money in the hands of Messrs. Coutts continued for two years after I was out of office, and that it was altered ultimately by Mr. Bathurst, not on a clear decision formed by him of its illegality, but because he thought it inexpedient; and the doubts entertained by Lord Harrowby, during his Treasurership, arose from conceiving, that the practice was inconsistent with the spirit, if not with the letter of the law. I do not mean to insinuate, that they were aware of the money being again withdrawn from Messrs. Coutts, for the purpose of private emolument to the Paymaster. My observation only goes to the point of stating, that the abstract proposition of the illegality of the practice of lodging assigned money in the hands of a private banker had not occurred to those able men, in the strong light it has been resolved with regard to me, otherwise the continuance of it would not have been tolerated for two years after the Treasurership of the Navy had passed into their hands.

And

And this leads me to another topic, to which I feel myself warranted to summon the attention of the House, under the circumstances in which I am placed. I have given my reasons in detail, why I contend that the Act of Parliament has not been violated in any shape; but I submit it to your justice to consider, how far I am, for the object of my present attendance, under the necessity of arguing my proposition to the full extent I have stated. A law may be violated without being *grossly* violated, and a breach of duty may be committed without warranting the appellation of a *high* breach of duty. My arguments may have failed in convincing you, that my construction of the Act is the true one, and you may remain of opinion, that its provisions extended to objects, which I contend were never within its contemplation. I can only say, that my judgment continues unaltered, and that I never had even conceived the doubt as to the meaning of the Act, till the period of the late discussions, from which I am certainly bound to doubt my own opinion, when it differs from others whose talents I sincerely respect; but I cannot carry my acquiescence so far as to admit, that an

error

error of judgment, resting upon the grounds I have stated, ought to have subjected me to such criminating resolutions, as those which this House recorded on the 8th of April last.

Having endeavoured, as clearly as I can, to explain to the House the grounds on which I contend that no illegality is imputable to me, on the subject of drawing from the Bank the sums assigned by the competent Boards, you will immediately perceive the nature and extent of the benefit which I conceived the Paymaster might derive, from lodging the money, thus drawn from the Bank, in the hands of Messrs. Coutts I have already adverted to the transactions referred to in the twelfth Resolution, and denied the imputation contained in that Resolution, of my being privy to those transactions. My impression, with regard to any benefit the Paymaster might derive from the money lodged in Messrs. Coutts's hands, was simply this. I conceived it to arise from an understanding between him and the partners of that house, as to the advantage they might respectively derive from the customary use of money while in their hands, and such an arrangement between them, I know, could not

prevent the Paymaster from drawing, at any moment, from Messrs. Coutts' House, any sum requisite for the discharge of any claim to which that deposit money was liable.—I beg not to be understood as stating, that I entertained this idea from any actual information I had on the subject; but the impression naturally arose in my mind, from knowing such to be the practice universal in similar cases, not only with the public banks, but all banking houses in another part of the kingdom; and it is only within these three months, that I have been made aware of the mistake, by the perusal of a memorandum, written by Mr. Coutts, the principal partner of that house.

This is a precise state of the case and of the impressions I had of it: and when I did not interpose, to prevent the Paymaster's enjoying such emoluments, I did not conceive myself to be infringing any Act of Parliament, nor did I feel that I was incurring, either for the public or myself, the smallest degree of risk, or exposing the business of the Office to any inconvenience whatever.—I beg leave further to remark, that although I never held out this species of advantage as an established emolument of the office of Pay-

master, or one which I might not have put an end to at any moment I found it expedient to do so, I certainly never felt it to be a clandestine or mysterious arrangement.

Of this I cannot give a stronger proof, than by referring to a fact mentioned in the Tenth Report of the Commissioners of Naval Enquiry. I mean the suggestion made by former Commissioners, in the year 1786, in which they recommend an augmentation of the Paymaster's salary from £500 to £800 per annum. But, although, from the increase of business which the different Acts of Parliament had imposed upon the Clerks and other Officers of the Navy Pay Office, I had been obliged to revise the establishments, and recommend to His Majesty in Council to make very considerable additions to their salaries, I did not recommend, that any such should be made to the Paymaster, under the impression that, in the manner I have stated, he must derive advantages, which rendered it unnecessary to burthen the establishment with an additional salary to him. In fact, no such addition was made till the year 1800, a short time before my leaving the Office, when a still further increase of

business having been thrown upon the persons doing the duty of the Navy Pay Office, in consequence of the adoption of many new and beneficial regulations, which since the former period had been added, it became necessary *again* to revise the establishment, and attend to their earnest representation for an augmentation of their allowances. Then, for the first time, was the augmentation to the Paymaster's salary adopted, which had been recommended by the Commissioners; and it was done upon the ground of several others, in situations inferior to the Paymaster, having been raised to about £600. The augmentation then made was not felt to be adequate to the labour, importance, and responsibility of the office; but it was *purposely kept down*, on the understanding, undoubtedly entertained by others as well as by me, that the Paymaster enjoyed those advantages to which I have alluded.

I do not rest upon these circumstances, in the view of justifying the regularity of a practice which may, on other grounds, have been since found to be either improper or irregular; but, certainly, I am entitled to found upon them, as

the strongest proof that I meant no concealment in the transaction, and that I felt no consciousness of wrong in what I had done.

With the permission of the House, I must, for a few moments, recall their attention to a subject, to which I have hitherto only slightly alluded. I refer to the insinuations thrown out, that my authorising or conniving at the lodging of the naval money in the house of Messrs. Coutts, could only proceed from an intention of its being appropriated to the purposes of private emolument.

Previously to the year 1786, the Navy Pay Office was situated in the City, in the neighbourhood of the Bank, and it was in consequence of its removal to Somerset-Place, that the suggestion was made to me of the convenience of putting the money, when drawn from the Bank, in the hands of a respectable house in the neighbourhood of Somerset-Place. The reasons given at the time certainly did satisfy me, and after the maturest consideration I can give to the subject, I am not yet convinced, that my opinion was erroneous. It would serve no good purpose, at present, to enter

upon

upon a discussion of that subject; but if ever there should be occasion to do so, I think, I can prove, that both the *convenience* and the *security* of the Public would be better consulted, by the accounts of the Sub-Accountants being placed in a situation liable to the daily inspection and examination of the Paymaster, than by having them raised in their separate names, at so great a distance from the means of such habitual examination.

I know that, from the nature of the business, and the necessity of so much of it being done at the Outports, it is impossible to procure perfect safety, either to the Public or to the Treasurer, by any constant and daily inspection of the Paymaster; but that is no reason why recourse should not be had to that additional check wherever it can be exercised. The Commissioners of Naval Enquiry are themselves aware of the risks that are run, and, therefore, they have made the following suggestion: "We were surprised to learn, that "neither the Officers nor Clerks in the Navy Pay "Office, give any security for the faithful dis- "charge of their duty, notwithstanding the great

respon-

"responsibility of their situations. We are of "opinion, that the Paymaster, and other Officers "and Clerks entrusted with the public money, "should be required to find security, in proportion to the amount of their salaries; for though "such security may not be adequate to the trust "reposed in them, we think it would operate "strongly, in preventing the misapplication of the "public money."

The measure here suggested would give a very small additional security to the Public; but the suggestion proceeds on the apprehension that there is a risk, and that being the case, I contend that the risk is increased, by the naval money being intrusted to a variety of persons, whose accounts are remote from inspection and examination, more than it would be, if those accounts were subject to the daily examination and inspection of one individual, to whose accuracy and responsibility the Treasurer must principally look for his own security and that of the Public.

Great pains appear to be taken by the Commissioners of Naval Enquiry, to establish that no inconvenience has ensued from changing the former

mer mode of conducting the business, and having recourse to that which is now practised. Upon all that species of evidence and observation, it is sufficient for me to remark, that the new practice has been, at least, of very short duration. I sincerely hope it will answer the expectations of those who, I make no doubt, have, from the best of motives, adopted it; but, in my own vindication, I cannot refrain from reminding the House, that during the period of sixteen years, when I had the conduct of the Office, it was done without any inconvenience or complaint, and, let the new practice prove, on experience, to be as successful as its most sanguine panegyrists can desire, it never can succeed better, as to its effects, than that which has been laid aside to make room for it.

Having, in the course of my statement, given to this House a fair and unqualified explanation of every circumstance connected with the purport of the Resolutions adopted on the 8th of April last, I am perfectly aware it may naturally suggest itself to many who now hear me, to ask, Why I thought it necessary to make any reference in the

answers

answers I gave, when examined by the Commissioners of Naval Enquiry? This question having been put to me by many of my private friends, I can the more readily suppose it to arise in the minds of others.

From what I have already stated, it must appear, that it has not been owing to any thing like reluctance on my part, that this doubt has not been long ago removed; and I willingly seize the first opportunity afforded me of explanation, to premise, that the real import of my examination before the Commissioners has been either much misunderstood or grossly misrepresented. It has been affirmed, in broad and general terms, that I refused to answer the Commissioners, whether I had derived profit from the public money in the hands of the Treasurer. *I have done no such thing.* The Commissioners, in their letter to me of the 26th June, called upon me to give them an account of certain particulars in detail, which, for the reasons I assigned in answer, it was literally impossible for me to do; and I added, that even if I had the means of doing so, I should think it my duty to withhold

hold the information required, on the grounds I stated, alluding to sums which had been occasionally withdrawn for other public purposes, not naval. Perhaps I need not have added this; but let it be observed, that at that time nothing had occurred to create in my mind a suspicion, that any communications made by me to the Commissioners were likely to be interpreted to my disadvantage.

From that time I heard no more from the Commissioners for a space of four months, during which period, it now appears, they had become possessed of all Mr. Trotter's private accounts with the house of Messrs. Coutts. Upon the 2d of November I received the following summons from the Commissioners:

Office of Naval Enquiry,
Great George Street, 2d Nov. 1804.

My Lord,

Being desirous of receiving some information from your Lordship, relative to the management of the business of the Pay-Office of the Navy during your Treasurership, We request you will let us know,

what day in the next week, and at what hour it will be most convenient to your Lordship to attend us for that purpose.

In consequence of this summons, I immediately attended them, and underwent an examination by questions, *obviously prepared with much previous consideration; but, as I have already observed, without a communication of one item of these accounts before them, and without an explanation asked of any one entry contained in them, and without a conception, on my part, that in that examination I was on my trial, or liable, in consequence of it, to be subjected to severe criminating Resolutions.*

Having given this preliminary explanation, I proceed to state, that upon an accurate examination of the terms of my evidence, you will perceive how much it has been misunderstood, if it is supposed that I had refused in general to answer, whether I had derived benefit from the public money.

At the time of that question being put to me, I had received the unexpected information, that in the advances Mr. Trotter had made to

me, on the account current of my affairs, he (Mr. Trotter) had made those advances, without discriminating whether they were made from private funds, or from the public balances in his hands. With the knowledge I possessed, from the information thus given me of the manner in which he had blended his account, I was induced to adopt a degree of reserve, beyond what perhaps the occasion called for; and upon a review of all circumstances now before me, I am satisfied, that I might then have as directly and as confidently answered the question in the negative, as I can now; *conscious* as I then was, and as I now am, that at no time did I act, or authorize any other person to act, in contravention of the patent under which I held the office of Treasurer of the Navy.

The details I have this day given to you must satisfy every man, that I could have no motive, and that it was even contrary to my interest, to exercise any reserve on this subject.

I have understood, that a great deal of acrimony and ingenuity have been resorted to, in the interpretation of another answer I have given. I mean, when the question is put to me, "Whether

" I did direct, or authorise Mr. Trotter, while " Pay-Master of the Navy, to lay out or apply, " or cause to be laid out and applied, any of the " money issued for carrying on the current ser- " vice of the Navy, since the 1st of January " 1786, for my benefit or advantage ?"

I answered by saying. " *To the best of my* " *recollection I never did.*"

I have less reason to complain of the animadversions which have been made upon this answer; for I certainly might, and ought to have answered, simply, that *I never did*; and my having prefixed the other useless words, arose (as is well known to those who are in the habits of living and conversing with me) out of a mode of expression customary with me in speaking of past transactions.

I have also observed, that on another topic much asperity has been resorted to, founded on the allegation of my having *refused* to answer questions, on the ground of not being obliged to *criminate* myself. Of all the imputations I have heard of, I confess this is the one I least expected. If I had been of that disposition, I should not have been exposed to any one of the charges that

have been brought against me; and it is the more extraordinary such a one should have arisen, when my accusers have rested the whole of their charges on what they are pleased to call *my own confession.* The observation is wholly founded on a misrepresentation of my evidence. I never made use of the clause in the Act of Parliament for any personal reason, but solely to protect me from disclosing any of those irregularities I may be supposed to have committed, in appropriating, for a time, any of the naval money to other *public* services. So far from feeling that to be any imputation upon my honour, I should have felt myself guilty, not only of a breach of public duty, but a most unwarrantable violation of private honour, if I had disclosed any of those transactions. The information I had received from Mr. Trotter, of his manner of blending his public and private accounts, was the single reason I assigned for not answering any question put to me, respecting my having reaped any benefit or advantage from the money in the hands of the Treasurer of the Navy. Upon that subject I never had recourse to the defence of not criminating myself. Whatever, therefore, has *any where* been said upon

that

that topic, may be a proof of dexterity in misrepresentation; but in point of candour or fair statement, it is certainly entitled to no merit.

I am informed that another charge still has been alleged against me in different quarters, on which I wish to say a few words, not so much from the importance of the charge itself, as from its being a striking proof of the extent, to which a spirit of rancorous hostility, once yielded to, will be induced to go, in its exertions to inflame itself and the minds of others. The topic to which I allude is that, whereby I have been charged with having no other motive for remaining Treasurer of the Navy, after I became Secretary of State, except the unlawful gains I am *supposed* to have derived from that situation. What I am now to state does not rest upon my assertion. There is one who now hears me, and others with whom I have at present no connection in politics, who can bear testimony to the fact, that I never was one hour Secretary of State with my own inclination. Under the original institution of the Board of India Commissioners, the Treasurership of the Navy was understood to be the appro-

priate

priate situation for the person who was to take the leading part in the management and controul of the Affairs of India. In that character I had acted many years with great labour; and, perhaps, I may have had the vanity to suppose, that by a successful administration of that great concern, I had done essential service to my country, and at the same time gratified an ambition, of which no honourable mind has reason to to be ashamed; I have no difficulty in acknowledging, that I had a predilection for the India Department, and it was the only one in which I ever wished to have been employed.

On this ground I declined accepting the Seals of the Home Department at the time Lord Grenville was appointed, and when, at a later period, I was induced to accept them, it was under an assurance, that I should only be required to hold them for the short period of probably a few months, till the return from abroad, of a Noble Lord for whom they were destined. He did not return at the time expected; and the very critical and dangerous state of the country which immediately ensued, rendered it impossible for me to decline obeying the commands

mands of my Sovereign, at a moment when he was advised, that any exertions of mine might be of use in repelling the dangers with which the constitution of the country was so peculiarly menaced, during the period I was in the Home Department. When the Duke of Portland was appointed to that situation, I again made it my earnest request to His Majesty, that I might be permitted to confine my labours to the administration of the Affairs of India, and I only desisted from making that request, when specially commanded by His Majesty to do so.

I am extremely concerned to trouble the House with such personal details; but I am compelled to do so, by the industry with which my enemies think themselves at liberty to lay hold of every circumstance which they suppose can create prejudice against me. The result of what I have stated on this topic is, that I never had the smallest predilection for the office of Treasurer of the Navy, except in so far as it was the situation at that time supposed to be appropriated to the person at the head of the Administration of India.

I shall now proceed to observe upon the

Report

Report of the Committee of the House of Commons, and in doing so, I shall follow the order of the Report itself. In the outset, I cannot help expressing my regret for the circumstance stated in the first page of it, and wishing it had occurred to the Committee, rather to expunge those questions and answers which appeared to them to exceed the limits of their enquiry, than to leave them in the body of their evidence. The consequence of their not doing so is, that several things are left in the Report, calculated to create an impression which would not have existed if the question had been pursued by more minute enquiry, and this inconvenience becomes the more striking, when it is recollected, that I was, from the circumstances well known to the Committee, deprived of the opportunity of giving them personally any explanation.

The Report begins by stating the substance of Mr. Trotter's evidence respecting his advances to me: upon which it is necessary immediately to observe, that it is quite impossible to attempt, with precision, to analize any of the statements given by Mr. Trotter.

None of the public accounts of the Office ever were in my custody or possession, and from the day I transferred my balance to my successor, I considered my connection with the Navy Pay Office to have ceased, as much as if it never had existed; except in so far as respected a small balance to which I might finally be liable, on the settlement of my account as Treasurer, previous to January 1786, as to which my account must be made up and cleared as an Ex-Treasurer, agreeably to the old practice of the Office. I likewise took occasion to explain to the Commissioners of Naval Enquiry, that for many years past I never had considered the vouchers of my settled accounts with Mr. Trotter, in the management of my private affairs, as being of the smallest use, and never thought of preserving them, more than I should have done the vouchers of any other settled account in which I was ever concerned. At the same time, I mentioned to them the information I had received from Mr. Trotter, as to the manner in which these accounts were blended, and which deprived me of the means of giving any detailed or satisfactory information on the subject.

I have

I have shortly recapitulated these circumstances, in order that the House may feel the impossibility of my either confirming or correcting any of the details which Mr. Trotter has given to the Committee. It is true, I have now had the opportunity of looking into Mr. Trotter's accounts with Messrs. Coutts, contained in the Appendix to the Tenth Report; but the bare inspection of them is sufficient to convince every person, of the impossibility of deriving any information from them: and every endeavour to unravel them, has more and more proved the impracticability of doing so.

In short, in the whole minute details connected with this investigation, I have been at the mercy of Mr. Trotter's memory and recollection, without the means or power of either aiding or correcting his recollection in any one item: but this I can affirm, that I am not indebted in one shilling either to Mr. Trotter or to the public. But upon any anterior details upon which Mr. Trotter may have entered, or may hereafter enter, for the reasons already assigned, any distinct explanation from me must be obviously impossible.

Nothing can be further from my thoughts, than to insinuate any intention, on the part of Mr.

Trotter, to state any thing differently from what his recollection may have suggested at the moment. At the same time, from the information he has given respecting his books, he has little else to resort to than his memory; and both himself and his friends know that neither he nor they have felt they could depend upon it for a very considerable time past, in the manner they might have done some years ago.

Under these circumstances, and speaking from recollection of transactions many years ago, it is not impossible or improbable, that in some of his details, Mr. Trotter may have intermixed the transactions of one person with those of another. I think I can perceive vestiges of the truth of this observation in his evidence, where he mentions the name of Mr. Tweedie. It is true, that in the close of his evidence he explains himself to mean no more than that he employed Mr. Tweedie as a messenger to me; but from the former part of his evidence any person would be led, and the Committee seems in fact to have been led into a belief, that in some shape or other, Mr. Tweedie was entrusted or employed by me in some way more confidential than as a

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mere messenger; whereas I have not the least recollection of any circumstance that could create such an impression in Mr. Trotter's mind, and am perfectly certain, that no confidential intercourse, of any description, ever passed between Mr. Tweedie and myself. From what Mr. Trotter had said in his evidence, I observe that the Committee have been induced to examine the son of Mr. Tweedie on the subject, and the import of his evidence is to confirm the statement I have now given.

Having observed thus much in general, I shall proceed to offer every satisfaction the nature of the case admits of, consistently with the reserve that naturally belongs to transactions connected with the government of the country. But I must, in the first place, remark, that during the whole period, in which I was Treasurer of the Navy, I was, at the same time, the confidential adviser of Government in every thing relating to the administration of the affairs of Scotland, or supposed to be connected with the general interests of Government in that part of the kingdom. In that capacity, every person must readily perceive the impossibility of being so, without having

ing recourse to the expenditure of occasional sums for the purposes of Government; and however satisfied my own conviction may have been, and however clear the necessity and propriety of the expenditure, in the instances in which it occurred, might in fact have been, every one must be aware, that it is impossible that those purposes should be detailed, without both great public and personal inconvenience: and I do affirm, in the most direct terms, that the 10,000l. which came into my hands during the Paymastership of Mr. Douglas, was neither used, nor meant to be used, for any object of personal profit or emolument to me. But I think it is impossible for any one to expect, that I should enter into a more minute explanation, either with regard to that sum, or another, of, I believe about a similar amount, at a later period, without incurring the charge of a great breach, as well of public duty as of private honor. It is unnecessary to dwell upon the uneasiness I have felt from the necessity of withholding explanation *on any part* of this subject, aware as I am of the many insidious and malignant observations, to which any person

must

must be exposed, who feels such a reserve to be his only honorable line of conduct.

There is, however, one striking circumstance in this business, on which I may fairly rest in appealing to the candour of the House. In my letter to the Commissioners of Naval Enquiry, on the 30th June last, though I referred to the whole, I certainly had particularly in contemplation the sum of 40,000l., advanced by me to Mr. Pitt, for the purposes explained in the Report of the Committee of the House of Commons.

This sum formed two-thirds of the whole; and if Mr. Pitt had not thought it expedient, as appears at one time to have been his feeling, to divulge the transaction in the manner he has done, I should have thought it my duty never to make such a discovery, from any personal consideration, either of fame or safety: and if this investigation had taken place within that period, it is obvious to what an extent of additional suspicion and obloquy I must have been exposed; and yet from the disclosure which has been made, it is now evident, that such suspicions would have been groundless, and such obloquy unjust.

It will also be recollected, that with regard to the sum of 10,000l. put into my hands by Mr. Douglas, there is no room for charging me in that transaction with any violation of the Act of Parliament; for it took place *before* the act passed: and whatever restraint I might ha e been under from the terms of my patent, the regulations, either as to placing money in the Bank, or drawing it from thence, as enacted by the Act in 1785, in no respect applied to that ten thousand pounds.

The explanation I have now given applies to £20,000 of the sum mentioned in the Report, and with the addition of whatever sum Mr. Trotter was at any time in advance for me, in his account current, forms the aggregate of any advance he may have made to me, in so far as I can speak from the conviction of my own mind. It is my belief, that there is some confusion in Mr. Trotter's recollection, when he talks of £22,000 or £23,000, as distinct from the advances of "from £10,000 to £20,000 on his "account current." Either the one or the other of these sums, I conceive, must be overstated. I am not aware from what materials Mr. Trotter

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can make several of the distinctions he has done in his evidence, respecting the different funds from which such advances were made. It is obvious, on the face of his evidence, that much of what he stated bears the character of after-recollection. A striking example of this appears on his second day's examination, when he desires to make an addition of £2000 or £3000 to the sum of £20,000 which he had stated in his examination on the preceding day. It is true, I have no materials or documents by which I can either assist or correct his recollection. I was perfectly aware, in my own mind, that I was accountable to the Public for the repayment of a sum to the amount of about £20,000, drawn for confidential purposes, exclusive of the £40,000 to be immediately mentioned: but Mr. Trotter was totally ignorant of those appropriations; and if he endeavours, from any thing recently avowed, to form a conjecture concerning them, I am sure it will only serve to mislead and confuse him.

It is now necessary to advert to a sum mentioned by Mr. Trotter as having been borrowed by my direction, and on my account. He states

the sum to be £22,000 or £23,000. This certainly differs from my recollection, which is clear as to the sum being £20,000, and the annual interest paid on it £1,000. If, therefore, the £3,000 in addition was any advance on my account, it must have been on his account current, or in some other mode, which it is impossible for me to trace. The loan took place a few years after I had unadvisedly left my profession and was connected with some private family concerns, with which it is unnecessary to trouble the House. I observe from the Report of the Committee, that Mr. Trotter, whom I employed to borrow the money, says *he was himself the lender*: and, upon his authority, I presume he was so. I certainly had no knowledge of it at the time, having only directed him to procure the loan; and probably, from the question not being put to him, he has omitted to inform the Committee, that the circumstance of his having been so was only communicated to me within these few weeks.

The next particular in the Report to be observed upon, is the sum of £40,000 advanced for the relief of Messrs. Boyd and Co.: and it seems to be taken for granted, that this transaction had

been

been suggested by me. If I had been examined, I think there would have been found some shades of difference in my recollection of the origin of the transaction, from what appears upon the evidence reported. But feeling then, as I do now, the urgent necessity of it, it is immaterial to examine whence the suggestion arose. There seems no difference of recollection, however, as to the substance of the transaction, which is fully before you; and I have no disposition to exculpate myself from any part of the blame which can be supposed imputable to it.

Upon this part of the Report it will be expected that I should advert to what is stated as to my not paying interest, when I repaid to Mr. Trotter the sums detailed in the Report of the Committee. I do not imagine it will be expected by the House, that I should give any reason why I did not either pay or demand interest on any part of the sums of 40,000l. and 20,000l. withdrawn for other than naval purposes. Those sums would have yielded no interest if they had remained in the Bank; and it certainly never entered into my mind to conceive, that under the circumstances of the case, the Public could

look for interest upon money so applied. It has been already mentioned, that for the sum borrowed under my own authority, interest was regularly paid; and if I was, for years, in the practice of paying so large a sum annually as interest, it seems to afford a pretty strong presumption, that I was not in the habit of applying the public money imprest into my hands for the purpose of private emolument. In truth, if I were to enter into any detailed explanations of my own private concerns, I am afraid it would be found, that I had, at all times, too many proofs of that nature to which I could have recourse.

Any consideration of interest, therefore, can alone apply to the sums which Mr. Trotter was at any time in advance for me on my private account current with him. From the latitude of expression made use of by Mr. Trotter, in his original evidence, I find it has been inferred, that he was in the practice *occasionally* of making advances to me, to the extent of 10,000l. or 20,000l. Mr. Trotter could never mean to state, that at any time he had advanced to me a sum to that amount. He clearly could only mean to speak of the aggregate sum advanced

on

on his account current with me, adding all the items together during the whole progress of the account, on which he plainly states that there was, at different times, a considerable balance in my favour, on which he did not pay any interest.

I have no materials, nor has Mr. Trotter confessedly any, by which he could make a statement on this subject, more accurately than he has hitherto done. But he has very recently communicated to me his belief, that the advance for me of one or two instalments on what is called the Loyalty Loan, was the only material advance to which he meant to allude: and, so far as I can form any judgment on the subject, I am inclined to think, that his recollection does not much mislead him in this respect. When I subscribed 10,000l. to that loan, I certainly had not at my command the money wherewith to purchase the stock; but many who hear me will recollect, that it was expected of men in public situations that they should give countenance to it, and I accordingly did (as I believe many others did) give directions for subscribing to it, meaning to dispose of it as soon as I could. The

late Mr. Henry Drummond arranged this for me; but I inadvertently omitting to make the transfer at the proper time, and the value of the stock having fallen, it remained upon my hands.

To the best of my recollection I remitted the first instalment from money borrowed in Scotland. Mr. Trotter made provision for the remainder, whether by advance on his private account with me, or through the house of Messrs. Coutts, I do not precisely know: but this I certainly do know and affirm, that in this transaction I never had in contemplation the prospect of pecuniary emolument or advantage, nor indeed did I consider it as any part of my private property; but as soon as the last instalment was paid, I executed a power of attorney in favour of Messrs. Coutts, not only to receive the dividend upon it, but to dispose of the stock itself for the repayment of the purchase money, whenever it suited their convenience to do so.

The result of what I have stated is this, that if Mr. Trotter did advance any of the instalments upon the Loyalty Loan, beyond what he was enabled to do by my private funds passing through his hands, and at the same time carried

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the dividends to my credit in his account, *I may have been* a gainer, to the amount of the dividend which arose from what he advanced, above what he might have in his hands of my private funds. This would be the state of the case in the most exaggerated view that could be taken of it, even by the most hostile imagination. The *whole* dividends upon the stock, during the time it was held, did not, *in all*, amount to £2,000; and I think I need not add more on this point, to prove how unwarranted all the exaggerations have been, which have been propagated on the subject of interest.

I must also further state, that to the best of my belief there passed through Mr. Trotter's hands, arising from my salary and other private funds, not less, and probably more than £70,000 during the fourteen years he served under me in the Navy Pay Office. Nor can it be reasonably contended, that on an account of the fluctuating nature I have described, a minute calculation of interest on every sum paid on either side would have naturally occurred to the mind of any man. No circumstance ever arose between Mr. Trotter and myself to call my attention

tention to the subject, and indeed, from the general impression I had of the amount of the sums paid or received on my account, the balance was too inconsiderable to make the interest an object of importance.

The next point to be observed upon in the Report of the Committee is, what they state as their second head of enquiry, *viz.* the communication said to have been made to Mr. Pitt by Mr. Raikes. This is a conversation which is said to have taken place as far back as 1797; and certainly any recollection I have been able to revive on the subject, is rather derived from what Mr. Pitt has recently stated to me, than from any feeble traces of it which remained in my own mind. I can, therefore, in observing upon this subject, only state, that supposing Mr. Pitt to have represented to me the communication in the precise terms he received it (as to which I certainly cannot speak from any recollection of my own), I make no doubt I should have treated it as an idle rumour, conceiving that it originated in the permission I was aware I had given to Mr. Trotter, to withdraw from the Bank, and place in the hands of Messrs Coutts, the sums

necessary

necessary in the regular course of the Office, for payment of the small sums which are hourly called for, as well as to answer the claims of those who were possessed of assignments from the competent Boards, consistent with my idea of the meaning of the Act of Parliament, which I have already detailed at length. It was under this impression I should naturally have so answered Mr. Pitt's communication, and this would so satisfactorily have accounted to me for the report, that I should not have thought of making any further enquiries on the subject.

The third head of enquiry referred to the Committee respects the loss sustained through Mr. Jellicoe.

Being obliged to trouble the House so long on other points, it is certainly not my intention to detain you on this; and however ruinous to me it would have been if the loss had fallen upon me, I own it is the point of all others, on which my mind has been least anxious in the course of all these investigations. My *fame*, not my *fortune* is the object of consideration with me. I have appeared before this House to vindicate the *former*; and as to the *latter*, the evidence is in

your hands, and upon that you will form your opinion. When it is so clearly established, that the loss had occurred previous to my having any connection with the Treasurership of the Navy, and that by no means in my power the loss could have been prevented or diminished, I should feel myself most greviously injured, if His Majesty had not been advised to give me the relief I received. I am strongly impressed with a conviction, that if Mr. Jellicoe had lived, and had been in a situation to establish his beneficial interest in the invention for which the patent was granted, the Public would, from its value, have been glad to have purchased the patent, at a higher price than the loss which has been sustained by his failure; and if I am right in that impression, it is a consolation at least to feel, that the Public enjoys the benefit of the invention, as I understand it is in general use, without any compensation, except in so far as the loss in question can be considered as such.

Before concluding my observations on the Report of your Committee, it is necessary to advert to a circumstance not particularly dwelt upon by the Committee, but which, from the tenden-

cy of some libellous publications that have been shewn to me, seems to be enlarged upon with great assiduity, as affording grounds of dark and mysterious suspicion. I allude to the clause in the release produced by Mr. Trotter, relative to the destroying the vouchers of all pecuniary transactions between him and me. I have likewise heard, that the terms of this clause have even operated on the minds of candid and honorable men; and therefore I should be wanting in justice to myself and respect to them, if I were to pass it over without particular observation: and I am confident, whether you examine this charge upon the only evidence before you, or upon the glaring absurdity of the imputation itself, you will be convinced how perfectly groundless and injurious it is.

Let us first examine the evidence upon the subject, and it must immediately occur to your observation, that I was at the distance of four hundred miles, when this release was prepared and transmitted to me for signature. I have no recollection whether it was brought to me by any man of business, or was transmitted in a blank cover to me from London. I think

this last most probable, as it appears that I received it at my son's house in the country, and the witnesses who attest my signature are two of my servants. I am confident there was nothing to call my particular attention to this clause; and if there had, it does not occur to me now, that it would have struck me as any thing unusual, or meaning more than a clause of common form, expressive of an obligation on the parties not to keep in their possession any receipts, or other vouchers, which could be made the ground of a claim by the heirs of either party against the other.

I do not, however, enlarge upon this observation; the fact certainly being, that the clause made no impression upon me of any kind, nor had I a recollection of its existence, till it was mentioned to me by a near relation of my own, who now hears me, and this after Mr. Trotter had been called before your Committee.

The next remark I make on the evidence is, the almost certainty it affords, that I was never consulted on the insertion of such a clause, nor in a situation to be so. I have already informed you, that I was at the distance of four

hundred

hundred miles from London, where the deed was prepared; and in addition to this circumstance, you have the most positive testimony from Mr. Trotter, that I was neither consulted, nor did I give any instructions upon it. He is asked expressly, "*Did Lord Melville give you any instructions for inserting the clause to destroy vouchers in the release, before it was drawn up?*" He answers, "*He did not.*"

"*Did you know of his having given such instructions to any other person?*"——"*I do not.*"

So stands Mr. Trotter's evidence, every word of which you must believe to be a falsehood, before you can give the smallest credit to the imputation of any such concert or conspiracy as has been surmised.

The evidence does not rest here; for, in so far as negative evidence can go upon such a point, it is as strong as it can be in any case. Mr. Spottiswoode having unfortunately died within these few months, we are deprived of the benefit of his evidence; but you have that of his partner and of his son: and if I had given any special directions to Mr. Spottiswoode respecting

ing this clause, it is most probable that those gentlemen would have known it from my correspondence, or learnt it from their conversations with Mr. Spottiswoode at the time.

If, therefore, you are to proceed on the only evidence before you on this subject, it is impossible for you to believe the foul suspicions which are endeavoured to be reared upon this circumstance.

But I maintain, further, the whole charge is not more defective in point of evidence, than it is palpably absurd on the face of it. If it means any thing, it must mean that Mr. Trotter and I, being conscious of some foul transactions, had resolved to destroy the evidence of them. Allowing the premises, the conclusion is a fair one; but the mode of executing that intention would have been the most extraordinary that ever was imagined. If Mr. Trotter and myself had formed the plan of destroying such evidence, what prevented our meeting together, any day we pleased, and actually carrying our purpose into execution; but it would have been a most extraordinary proceeding, not only to have informed Mr. Spottiswoode and his partners and

clerks

clerks of our intention, but to have recorded that intention in a formal deed, unnecessarily and wantonly confessing our own guilt, and publishing to every person who saw the deed the means we had taken to cover it.

This observation acquires much additional force, when it is remarked, that the deed contains a clause of registration; and if either of the parties should ever have occasion to have recourse to it as an obligation against the other, it was necessary it should be recorded in the Supreme Court of the Kingdom, and an extract of the deed, containing the clause itself, produced in the Court, before which any suit might be brought, for enforcing the obligation it is supposed to contain.

If, after combining all these particulars, whether arising out of the positive and negative evidence which is before you, or from a contemplation of the manifest absurdities in which the charge is involved, any person can still allow himself, for one moment, to harbour such a suspicion in his mind, I must confess myself totally unable to combat the malignity and prejudices of a mind so deeply tainted.

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But in order that no circumstance may be omitted which can give a shadow of truth to this supposed conspiracy, we are desired to attend to the circumstance of its bearing date soon after the Commissioners of Naval Enquiry were appointed. But those who attend to this remark will immediately perceive, that it is liable to every observation on the absurdity of it which has been already adverted to. If the parties concerned were panic struck by a dread of the Commissioners of Naval Enquiry, was it not more natural for them to have had immediate recourse to the destruction of these dangerous documents of guilt, instead of entering into an obligation on the subject, liable to all objections and difficulties which have been pointed out? They surely had no ground to imagine, that this release would not be produced, as well as the documents meant to be destroyed; and I certainly, without any breach of charity, may be permitted to suppose, that not one of the vouchers meant to be destroyed could have been dwelt upon with more ingenuity and asperity than this release, which the parties are said to have framed, for the purpose of covering all the

guilt

guilt which it is supposed those vouchers would have proved.

I shall only further observe, that if this deed was meant to impose any active obligation upon me, I have certainly been very remiss in the performance of it. On my leaving Somerset Place I destroyed many useless papers. I did the same when I left Wimbledon three years ago. I likewise did so when I left London two years after, and I have occasionally done the same during my subsequent residence in Scotland: but I cannot charge my memory with having ever destroyed any voucher, from a sense of the obligation contained in this release. As to the Act of Parliament appointing the Commissioners of Naval Enquiry, I believe nobody imagined that any thing but the abuses in the Dock Yards were the real object of their appointment. The abuse now complained of in the practice of the Navy Pay Office had been rectified before the bill passed; and I could not suppose it was intended to remedy abuses which had been already corrected. At the time I was applied to for the release I was living comfortably and happily with my family and amongst

my friends in Scotland, not conceiving that I ever should be the object of attack as Treasurer of the Navy; and perhaps I am not very far mistaken in thinking, that if I had continued in that secession from public situation, the attack would never have been directed against me.

I am ashamed to have troubled the House at so great a length on this part of the evidence subjoined to the Report, but for the reasons I began by stating, I thought it impossible for me to avoid it; and I have only further to observe, that there is not one word in the release of any intention or obligation to destroy existing books or accounts. I am led to make this remark, from observing in some of the proceedings before the Committee, an inclination to connect with the release the non-existence of some of Mr. Trotter's books and accounts.

I have now finished the observations which I have been desirous of laying before the House; and in the course of them, I trust, I have been successful in my resolution of refraining from any asperity of language, expressive of the feelings I may be supposed to possess on the subject

ject of the proceedings which have been directed against me for these many months past. If I ever give vent to any such feelings, it will not be in this place. This is not such a conclusion as I had hoped for, and as I think I had a right to expect to a long and laborious life, devoted to the service of my country; but I feel within myself a strength and fortitude of mind adequate to every suffering I have undergone, or by which I may still be harrassed. My enemies are mistaken, if they suppose that my spirits are easily to be broken down by any exertions in their power; but I wish I could, with equal truth, assure them, that I was as unassailable in other quarters. The lashes intended for me have indeed cruelly lacerated the feelings of many valuable friends, and of others more nearly and dearly connected with me, and perhaps these strokes are the harder, as some of them have come from hands whence they were least expected. I shall, however, avoid dwelling on such topics, and thank the House for the indulgence they have at present shewn to me.

Neither shall I trouble you much on the motion I have heard to be intended after I retire.

As no such motion has yet been made, I am at liberty to speak freely of it, and I think my understanding is not so blinded on the subject, as to mislead my judgment with regard to the very extraordinary circumstances under which such a motion would now be brought forward. If an impeachment had been proposed on the 8th of April last, it would, at least, have come as an entire question, when no part of the punishment would have preceded the trial. I know I may be told that being removed from a high and important trust, and separated by the interposition of Parliament from the councils of my Sovereign, is no punishment. I will not stop to discuss such puerilities; but I shall beg only to ask, whether what has already taken place does not probably amount to as much, as even in the case of a conviction upon an impeachment would have taken place? A declaration of incapacity to serve His Majesty in any place of confidence or trust, would, even under such circumstances, have been considered as a punishment not wanting in due severity. The House of Commons have not done this in terms, but *they have done* it in substance,

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from what passed on the 8th of April and subsequent occasions.

You have gone further. To punishment you have added an attack upon the remains of my private fortune, by your direction to the Attorney General. It may be said, this is only reclaiming unlawful gains. Is that so clear a case? and does it not admit of some doubt, whether claims upon me would be confined solely to what I have received? But in any view, is it no additional punishment to be harrassed, God knows how long, in a court of law, by an investigation of my whole private concerns for a great part of my life, without any documents or vouchers of any kind to aid my recollection in any one particular?

Indeed, when I take a review of these past proceedings, I can scarcely bring myself to believe, that a motion of impeachment can be seriously intended. If any such intention has been entertained, it must have been conceived in a moment of sudden violence, forgetting all that has been already said or done upon this subject. Is it meant that a civil prosecution, under the direction of the Attorney General, is to

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be going on in one place, where I am to be examined upon oath, and the result of that examination communicated to the managers of the impeachment, to aid them, in their conduct of their criminal accusation in another place?

I am confirmed in my conviction, that an impeachment can never be seriously intended or persevered in, from attending to other circumstances, and in particular to that of the many illustrious names, Members of another House of Parliament, which have been prefixed to requisitions for calling meetings, or have actually attended them in various parts of the country, expressing very violent and inflammatory opinions, founded on what they supposed to be the import of the Resolutions passed by the House of Commons. In the case of an impeachment, these peers would be the judges of the person chiefly aimed at in those extra-judicial proceedings. It will scarcely be supposed, that no communications on this subject have passed between the great authorities in this House, who have taken a lead in its proceedings, and many of those noble Lords to whom I have referred, and it is altogether inconsistent

with

with a belief of such communications, to suppose that a motion of impeachment could be intended; for it appears incredible, that under such circumstances, those high and honorable characters could have been induced to take a part, so totally irreconcileable with the judicial functions they might be called upon to perform.

I believe I am accurate in the recollection of a circumstance which just occurs to me. It was on the occasion of the trials a few years ago at Maidstone, the circumstances of which will be easily recollected. A gentleman of the name of Raikes was challenged as a juryman, and the challenge sustained, on account of his having been heard to utter intemperate language with regard to the objects of the trials; and this was considered as sufficient to disqualify him from sitting as a juryman upon their trial.

It has been rumoured, that other modes of trial have been thought of, in the shape of indictment. But on that subject, likewise, I am disposed to be incredulous: for I am sure, if any such measure had been in contemplation, no Member of Parliament would have been induced

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to take part in the harangues and resolutions of meetings of every description, and even in this metropolis, calculated to poison the public feelings, and prejudice the minds of those from whom the jurymen must be selected, if such criminal prosecution were to take place.

Upon this subject of prosecution by indictment, I must repeat the same observation I have already made on that of impeachment. It would be an attempt at double punishment. Fine or imprisonment are the usual modes of punishment in the case of a conviction on an indictment in a court of law; but is there any man, circumstanced as I have been in life, who would ever consider what has happened in consequence of the interposition of Parliament, as a lesser punishment than that which I have stated as the usual result of a criminal conviction? This proposition may be distorted by any subterfuge which ingenuity may devise; but it is impossible seriously to maintain, that an attack upon me, in the form of a criminal prosecution, would not be an attempt to load me with reiterated punishment, and that too, aggravated by the methods which have been already resorted to, for the pur-

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pose of poisoning and prejudging the public mind.

These impressions are so strong and so convincing to my mind, that I feel secure no further proceedings will be taken against me, and therefore I should think myself guilty of an unnecessary waste of your time, if I were to insist upon them more at large. Perhaps I ought to be aware, that in cases of persons of rank, and who have filled high situations in Government, their accusers may think themselves at liberty to pursue lines of conduct, which would be reckoned reprehensible and oppressive, if adopted in the case of a cottager or a peasant: but even that has its bounds, and there are certain fixed and unalterable principles, which cannot be departed from, in any case, without weakening in the minds of all ranks, that confidence in the pure administration of justice, which is essential to the happiness and safety of every inhabitant of a free country.

I have already expressed my hopes, that nothing in the course of this day has fallen from me, in any degree disrespectful to the Assembly which, with their indulgence, I have been per-

mitted to address. But I equally trust, I cannot be liable to censure, if I have not, in any part of what I have said, shewn a disposition to deprecate, by humiliating submission, any of the future evils which may be in contemplation aagainst me. I have lived too long not to know, that popular clamour often dies away as rapidly as it is excited. A time may come, and I hope it is not far distant, when those who now pursue my conduct with such unexampled rigour, will perceive their error, and become conscious of the injustice I have suffered through misconception and misrepresentation.

Circumstances not in my power with honor to controul debar me from the possibility of uttering, what it would be undoubtedly my personal interest to disclose. I despair not, even in my own time, to receive ample justice from my deluded country. This is, however, not the period to enter upon that theme. But I feel the consciousness of my own rectitude deeply implanted in my breast, and I shall descend to my grave with the heartfelt satisfaction, that, however the shafts of severity and cruelty may be levelled against me at the present moment, the future im-

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partial historian will be able to hand down my name, in the list of those who have strenuously, and I hope not ineffectually, exerted, during a long life of public service, their unremitting endeavours to promote the welfare, and the dearest and most essential interests of their country.

APPENDIX.

No. I.

Of the Resolutions of the House of Commons on the 8th of April, out of their Order of the 29th.

1. Resolved, That it appears to this House, That on the 18th of June 1782, the "House of Commons, "in a Committee of the whole House, came, amongst "others, to the following Resolutions:

2. "That is the opinion of this Committee, That "some regulations ought to be adopted for the pur-"pose of lessening and keeping down the balances of "public money, which appear to have usually been "in the hands of the Treasurer of the Navy; and it "would be beneficial to the Public, if the first and "other clerks, in the different branches belonging to "the said office, were paid by fixed and permanent "salaries, in lieu of all fees, gratuities, and other "perquisites whatsoever.

3. "That it is the opinion of this Committee, "That from henceforward the Paymaster of His "Majesty's Land Forces and the Treasurer of the Navy, "for the time being, shall not apply any sum or "sums of money, imprested to them, or either of "them, to any purpose of advantage or interest to "themselves, either directly or indirectly.

4. "That it appears to this Committee, That the "Commissioners appointed to examine, take, and "state the Public accounts of the kingdom, have, so

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4. "That it appears to this Committee, That the "Commissioners appointed to examine, take, and "state the Public accounts of the kingdom, have, so

"far

" far as appears from the Reports which they have " hitherto made, discharged the duty entrusted to " them with great diligence, accuracy, and ability; " and if Parliament shall carry into execution those " plans of reform and regulation, which are suggested " by the matter contained in the Reports of the said " Commissioners, it cannot but be attended with the " most beneficial consequences to the future welfare " and prosperity of this kingdom."

5. *Resolved*, That in furtherance of the intention of the House of Commons, expressed in such Resolutions, His Majesty, by his warrant, dated 26th June 1782, directed that the salary of the Treasurer of the Navy should be increased to £4000 per annum, in full satisfaction of all wages and fees, and other profits and emoluments, theretofore enjoyed by former Treasurers.

6. *Resolved*, That it appears to this House, That, during the Treasurership of the Right Honourable Isaac Barré, the conditions of the aforesaid warrant were strictly complied with; that the whole of the money issued from the Exchequer to Mr. Barré, for naval services, was lodged in the Bank; that it was never drawn from thence previously to its being advanced to the Sub-accountants, to be applied to the public service; that during the time Mr. Barré acted as Treasurer and Ex-treasurer, he had not in his possession or custody any of the public money, and that neither he, nor the Paymaster of the Navy, did derive any profit or advantage from the use or employment thereof.

7. *Resolved*, That the Right Honourable Henry Dundas, now Lord Viscount Melville, succeeded to the office of Treasurer of the Navy on the 19th August

gust 1782, when a further addition was made to the salary of the said office, in order to produce a net annual income of £4000, after the payment of all taxes and charges on the same; and that this additional salary was considered by the said Lord Viscount Melville as granted to him in lieu of all wages, fees, profits, and other emoluments, enjoyed by former Treasurers.

8. *Resolved*, That the said Lord Viscount Melville continued in the said office till the 10th of April 1783; that, being asked whether he derived any advantage from the use of the public money during that period, he, in his examination before the Commissioners of Naval Enquiry, declined answering any question on that head; but that he has, in a letter since written to the said Commissioners, and dated the 28th March last, declared, "that, previous to 1786, he did not derive "any advantage from the use or employment of any "money issued for carrying on the service of the "Navy;" but Mr. Douglas, who was Paymaster, being dead, and his Lordship having refused to answer any questions on this head, as aforesaid, no evidence has been obtained as to the application of monies issued for the service of the Navy, or the mode of drawing the same from the Bank, during this period.

9. *Resolved*, That the Right Honourable Charles Townshend, now Lord Bayning, held the office of Treasurer of the Navy from the 11th of April 1783 to the 4th of January 1784; and that, from the examination of his Lordship, it appears, that, during his Treasurership, no part of the money issued for the service of the Navy was applied to his private use or advantage, and that he does not believe that Mr. Douglas, who acted under him as Paymaster, derived any profit or advantage from the use or employment of

the

the public money, except the money issued for the payment of Exchequer fees.

10. *Resolved*, That the Right Honourable Henry Dundas was re-appointed Treasurer of the Navy on the 5th of January 1784, and continued in the said office until the 1st of June 1800.

11. *Resolved*, That, in the year 1785, an Act of of Parliament was passed (25 Geo. III. c. 31.) intituled, "An Act for better regulating the Office of "Treasurer of His Majesty's Navy," whereby it is directed, that no money shall be issued from the Treasury to the Treasurer of the Navy, but that all monies issued for Naval services, shall be paid to the Bank on account of naval services, and placed to the account of the Treasurer of the Navy, and shall not be paid out of the Bank unless for naval services, and in pursuance of drafts signed by the Treasurer, or some person or persons authorized by him, which drafts shall specify the heads of service to which such sums are to applied; and that the regulations under the said Act shall take place from the 31st of July 1785.

12. *Resolved*, That the execution of the said Act was postponed till the month of January 1786; and that from that time till the month of June 1800, when Lord Melville left the office of Treasurer, contrary to the practice established in the Treasurership of the Right Honourable Isaac Barré, contrary to the Resolutions of the House of Commons of the 18th of June 1782, and in defiance of the provisions of the above mentioned Act of 25 Geo. III. c. 31, large sums of money were under pretence of navy services, and by a manifest evasion of the Act, at various times drawn from the Bank and invested in exchequer and navy bills, lent upon the security of stock, employed in discounting private bills, in purchasing Bank and East-India stock,

and

and used in various ways for the purposes of private emolument.

13. *Resolved*, That Alexander Trotter, Esquire, the Paymaster of the Navy, was the person by whom, or in whose name, the public money was *thus* employed; and that in so doing he acted with the knowledge and consent of Lord Viscount Melville, to whom he was at the same time private agent, and for whose use or benefit he occasionally laid out from ten to twenty thousand pounds, without considering whether he was previously in advance to his Lordship, or whether such advances were made from his public or private balances.

14. *Resolved*, That the Right Honourable Lord Viscount Melville, having been privy to, and having connived at, the withdrawing from the Bank of England, for the purpose, as stated by Lord Melville, of private emolument to Mr. Trotter, sums issued to Lord Melville as Treasurer of the Navy, and placed to his account in the Bank, according to the provisions of the 25 Geo. III. c. 31, has been guilty of a gross violation of the law, and a high breach of duty.

29th April.

Ordered, That the Attorney General be directed to take such measures as may appear to him to be most effectual, in due course of law, for ascertaining and recovering any sums of money that may be due to the Public from Lord Viscount Melville or Alexander Trotter, Esquire, in respect of any profits derived by them from monies issued for naval purposes, and that may have come into their hands, subsequent to the 1st day of January 1786.

An Act for better regulating the Office of the Treasurer of His Majesty's Navy.

I. Whereas it appears, by the reports made by the Commissioners appointed to examine, take, and state, the public accounts of the kingdom, that regulations are necessary for better conducting the business in the department of the Treasurer of His Majesty's Navy; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the 1st Day of July 1785, the Treasurer of His Majesty's Navy for the time being, in all memorials to be by him presented to the Treasury for money for navy services, shall pray that such sum as he requires may be issued to the Governor and Company of the Bank of England on his account; and shall transmit with each memorial, a copy of the letter or letters from the Commissioners of the Navy, Victualling, and Sick and Hurt Boards, directing him to apply for such sum or sums; in which letter or letters the said Commissioners shall, and they are hereby required and directed to specify for what particular service or services the said money is wanted; and shall also state the balances then in the hands of the Treasurer of the Navy, under each head of service respectively; and the Commissioners of His Majesty's Treasury for the time being, by their letter from time to time, shall direct the Auditor of the Exchequer to issue to the Governor and Company of the Bank of England, on account of the Treasurer of His Majesty's Navy, naming such Treasurer for the time being, the sum for which such

letter shall be drawn, upon the unsatisfied order at the Exchequer in favour of the said Treasurer, for which the receipt of the Cashier or Cashiers of the said Governor and Company shall be a sufficient discharge; and all sums for which letters of the Commissioners of His Majesty's Treasury shall be drawn, shall be issued to the Governor and Company of the Bank of England, in like manner as they have been heretofore issued to the Treasurer of His Majesty's Navy; and all such moneys to be issued to the Governor and Company of the Bank of England, shall be placed on an account or accounts to be raised in the books of the Governor and Company of the said Bank of England, and to be intituled, "The Account of the Treasurer of His Majesty's "Navy," inserting the name of such Treasurer for the time being, for the pay branch, cashier's branch, and the victualling branch; and on receipt of all such monies at the Exchequer, the Treasurer of the Navy shall immediately certify to the Commissioners of the Navy an account of the whole receipt, under the respective heads of service, and shall also certify to the Commissioners of the Victualling, and Sick and Hurt Boards, the particular sums received, and applicable to those services respectively.

II. And be it further enacted and declared, That no fees whatsoever shall be paid at the Exchequer or Treasury for or by reason of the transactions aforesaid, beyond the amount of what hath been usually paid upon imprests and accounts hitherto made, according to the former custom of transacting business between the Exchequer, Navy Pay Office, and Bank, severally.

III. And be it further enacted, That from and after the 1st day of July 1785, no money for the service of the navy shall be issued from His Majesty's Exchequer to the Treasurer of the Navy, or shall be

placed, or directed to be placed in his hands or possession, but the same shall be issued and directed to be paid to the Governor and Company of the Bank of England, and to be placed to the accounts above-mentioned, according to the Services for which it is craved and issued.

IV. And be it enacted, That the Treasurer of His Majesty's Navy for the Time being, by himself, or the person or persons in his office duly authorised by the said Treasurer, from and after the 1st day of July, 1785, shall draw upon the Governor and Company of the Bank of England for all navy services whatever, and shall specify, in each and every draft, the head of service for which the same is drawn; and no draft of the said Treasurer, or the person or persons authorised as aforesaid, shall be deemed a sufficient voucher to the said Governor and Company of the Bank of England unless the same specifies the head of service for which it is drawn, and has been actually paid by the said Governor and Company of the Bank of England.

V. Provided always, That the monies to be issued unto the Governor and Company of the Bank of England, on account of the Treasurer of His Majesty's Navy, shall not be paid out of the Bank, unless for navy services and in pursuance of drafts to be drawn on the Governor and Company of the Bank of England and signed by the Treasurer of his Majesty's Navy for the time being, of the person or persons authorised as aforesaid; in which drafts shall be specified the heads of service to which the sums therein mentioned are to be applied; and which drafts, so drawn, shall be sufficient authority to the Bank to pay such money to the persons mentioned in such drafts, or to the bearer of them.

VI. And be it further enacted, That upon the death, resignation, or removal, of the present, and every other Treasurer of His Majesty's Navy hereafter to be appointed, the balance of cash for which he shall at that time have credit, on his account or accounts as Treasurer of His Majesty's Navy, with the Governor and Company of the Bank of England, shall, at the end of the current month after a successor shall be appointed to the said office, actually vest in such successor, in trust for the service of the navy, under the respective heads, and be forthwith transferred, carried over, and placed to the account or accounts of such successor Treasurer of His Majesty's Navy, to be applied to the said service in pursuance of the like drafts as aforesaid: And the Treasurer of His Majesty's Navy for the time being shall, and he is hereby directed and required to form his memorials and requisitions to the Treasury, and to issue his drafts as aforesaid, for all charges and demands on account of the navy service, which shall be due and remain unsatisfied, although the same may have accrued in the time of any former Treasurer.

VII. And be it further enacted, That the said Treasurer of the Navy shall, and he is hereby required to make up, or cause to be made up, an annual account of the navy and victualling services, intituled, "The Account of the Treasurer of His Majesty's Navy," to be signed and attested by every Treasurer who shall have paid or discharged any part of the said account; the first account to end on the 31st day of December 1786, and every succeeding account to begin on the 1st day of January and to end on the 31st day of December, in each year following, and to transmit the same (having been previously examined in the offices of the Commissioners of the Navy, or the Victual-

ling Office, and of the Sick and Hurt, and signed by the Commissioners of the Navy), to the Auditor or Auditors of the Imprest, who shall, and they are hereby directed and required, within three months after the receipt thereof, to examine, or cause to be examined, the said annual accounts, and, if found satisfactory, to present, or cause to be presented, the same to the proper officer or officers for declaration; and when the same is declared, a quietus or acquittance, in the usual form, shall be made out to the said Treasurer or Treasurers, his or their heirs, executors and administrators.

VIII. And be it further enacted, That the Treasurer of the Navy shall every year insert, in the said annual account, all payments which shall have been made by him in the course of such year; and that all bills, which shall have been drawn by the Commissioners of the Navy or Victualling, shall be sufficient vouchers to discharge the said Treasurer of any sums paid by him upon such bills, whether the payments directed to be made by the said bills shall be specified to be upon account, or otherwise; and that when the said Treasurer of the Navy shall, in the account of any year, have taken credit for any payments made in pursuance of imprest bills, or on account, no further bills shall in any subsequent period be drawn upon the said Treasurer or any Treasurer of the Navy for the time being, for the purposes of clearing the said imprests, but the persons to whom the payments have been so made on account, shall be set *insuper* in the Exchequer, and to be made accountable for the same, and the Treasurer of the Navy shall be no longer chargeable or accountable for the same.

IX. And be it further enacted, That, from and after the 1st Day of July, 1785, the Treasurer of His

Majesty's Navy for the time being shall keep the account with the Bank of all monies issued to, or directed to be paid to him for the service of the navy; and the said Treasurer observing the rules and regulations hereby prescribed, shall not be answerable for any money which he shall not actually receive; and the Governor and Company of the Bank of England shall be answerable for all the monies which shall be actually received by them for the service of the navy.

X. And be it further enacted, That if any person or persons shall, from and after the passing of this act, knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly or wilfully act or assist in the forging or counterfeiting the name or hand of the Treasurer of His Majesty's Navy for the time being, or the person or persons authorised as aforesaid, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the Governor and Company of the Bank of England, on account of the Treasurer of his Majesty's Navy; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any draft, instrument, or writing in form of a draft, made by such Treasurer of His Majesty's Navy, or the person or persons authorised as aforesaid; or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever; every such person and persons so offending, being thereof lawfully convicted, shall be, and is, and are hereby declared and adjudged to be guilty of felony, and shall suffer death as a felon, without benefit of clergy.

XI. Provided always, and be it enacted, That this act shall not extend, or be construed to extend, to prevent the Treasurer of His Majesty's Navy from issuing to the Pay-clerks at the several out-ports, such sums as may be thought necessary by the Navy Board for paying ships, and carrying on recalls; and the Pay-clerk at each port shall, and he is hereby required to make up, at the end of every month, an account of all his receipts and payments during that month, which account shall be signed by him, the Comptroller's Clerk, and the Ticket-Office Clerk, at each port, and transmit the same, within fourteen days after the expiration of each month, to the Treasurer of His Majesty's Navy, and a copy thereof to the Commissioners of His Majesty's Navy; and the Comptroller's Clerk at every out-port shall, and he is hereby required to transmit to the Navy Board, every week, an account of the payments made by the Treasurer's Clerk at that port.

XII. And be it further enacted, That, upon the death, resignation, or removal, of every Treasurer of His Majesty's Navy, the accounts of the Pay-clerks at the several out-ports shall be immediately made up, and the balance of cash, for which he shall at that time have credit with each of them, shall, as soon as a successor shall be appointed, be carried to the credit of the account of such successor, and an account thereof forthwith transmitted to the Commissioners of the Navy.

FINIS.

Printed by Cox, Son, and Baylis,
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AN

Address to the Public,

&c. &c.

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AN

ADDRESS

TO THE PUBLIC:

CONTAINING

A Review of the Charges

EXHIBITED AGAINST

LORD VISCOUNT MELVILLE,

WHICH LED TO THE

RESOLUTIONS OF THE HOUSE OF COMMONS,

On the 8th April, 1805.

AGEDUM—PAUCA ACCIPE CONTRA. *HOR.*

SECOND EDITION.

LONDON:

PRINTED FOR J. HATCHARD, PICCADILLY; J. ASPERNE, CORNHILL; AND R. BICKERSTAFF, STRAND.

1805.

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AN ADDRESS

TO THE PUBLIC.

IT is a little singular that in the representations of the drama our sympathy is always called forth in favour of suffering rank, and we feel a desire to soften the misery of afflicted Greatness. But in real life we appear to act on the reverse of this feeling; and are for the most part inclined to accelerate the fall of human power, and to exult in the condition of a man degraded from high state, and put down from the seat of authority. The obscure and feeble prisoner asks our compassion, and receives it—he solicits our aid to testify his innocence, and we lend our prompt exertion to his cause. But when crime is imputed to a man high in power, we withdraw ourselves, with something like a feeling of congratulation, to a distance, that we may behold him grappling with the foe; and, however undeserved the attack, we please ourselves with thinking that at least the pride of his stature will be humbled, and the ermine of his fame be spotted in the wrath and bitterness of the encounter.

THE authority of all law—of all English law—is parental and protective: in the hour of accusation, it is the best security of the subject—in the moment of peril, it is the best safeguard of the constitution. If, from any weak and worthless jealousy of power and place, we withhold from any individual any, even the smallest, share of that privilege which is the equal claim of all; if we are disposed, by whatever prejudice, to deduct any thing from this claim; we become, whatever we may think, the deluded instruments of corruption: our fingers are not indeed in the Exchequer, but we are tampering with a far dearer wealth—the treasury of constitutional principles; the best, the richest, patrimony of a free people.

THERE is an odd perversity in human nature. —To lead the bulk of mankind always and solely by just representations, is not practicable; but to mislead them by false representations, is matter of no difficulty. To inflame their passions, is easy; but to attempt wholly to remove their prejudices, is ploughing the rocks.

THE attention of patriotism cannot be too active to detect, nor too prompt to expose, those dignitaries of the state who abuse the public confidence, and repay with treachery its honours and its grants: such vigilance demands all our gratitude, and deserves all our praise. We ought not to condemn even an over-anxious zeal to exorcise

the spirit of selfishness—that ghostly enemy of all great states. But let no lucrative appendages of office inspire us with *a desire* to discover guilt and fraud in those who fill them. We must not begin with a deviation from rectitude ourselves, if we wish to effect the suppression of obliquity in others.—Forgetful of this, we shall be more likely to extend the contagion than exterminate the disease.

"THE point came to the balance," said Mr. Whitbread, addressing himself to the Speaker, "and it remained with the chair, that seat of im-"partiality, to determine upon what side it should "turn. It remained for you, sir, without wound-"ing any party spirit, to decide *which party* was "right, and your decision was founded in justice."*

THE expediency of instituting an inquiry into every matter of suspected delinquency is always wise and always just. But it is necessary that it should be a complete inquiry, otherwise there will be nothing in it either of wisdom or of justice. This it cannot be, unless the accusers and the judge are alike unwarped by passion and unswayed by prejudice. If a British house of Commons are the accusers, this disinterestedness may be expected: if a *party* in that house are the prosecutors, the prosecution must be expected to proceed, as

* See Woodfall's Parliamentary Register, vol. ii. p. 157.

in such cases they ever have proceeded, in the spirit of party; that is, in subordination to its views, and in subserviency to its system.

THIS spirit of party, as entering into the active energies of political government, may have its use. Whether useful or not, it will ever enter more or less into every mode of administrative *power:* if in some instances it obstructs its efficacy, in others it controls its perversion. But whenever that spirit enters into the measures of administrative *justice,* from that instant its whole character is metamorphosed. We count the number and compare the strength of the antagonist powers, and the verdict becomes an affair of calculation.

KNOWING, and I trust I do know, something of the laws and constitution of this country—revering, and I am sure I do revere, the spirit of those laws and the principles of that constitution—my first wish is, and ever will be, that these shall remain sacred and safe. While they so remain, all that belongs to us as a people, our persons, our property, our rank, our charters, and our rights, all these will remain so too. When the electric chain is touched at either extremity, the shock vibrates through the whole. In every matter of criminal charge, whether the object be a poor man indicted or a peer impeached, I see nothing before me but an ENGLISHMAN ACCUSED: this is all that for the present I can know—whether he is inno-

cent or guilty is the issue to be tried. The only anxiety created within me as to the result is, that the legal and constitutional principles of justice may prevail—not that the accuser should prevail, and these principles, to further his purpose, be even in the slightest degree distorted or disturbed.

In order that I might be able to perceive or to prophecy in what spirit the proceedings against lord Melville would be conducted, I attended with much earnestness to that speech of his Arch-accuser, Mr. Whitbread, which prefaced his first motion.

In that address, which adds one to the many specimens of animated eloquence which dignify the British Senate, he arranges his observations under the three following charges:—"In the first "place, I charge Lord Melville with having ap-"plied the money of the public to other uses than "those of the naval department with which he "was connected, in express contempt of an act "of parliament, and in gross violation of his duty. "I charge the noble Lord, in the second place, "with conniving at a system of peculation in an "individual for whose conduct he was deeply re-"sponsible; and for *this* connivance I denounce "him as guilty of a high crime and misdemean-"our. There is still a third, on which I shall not "insist very largely now, but which, *if inquiry is*

" *instituted*, I shall feel myself most powerfully " called on to support in this house. I mean " here to allude to the strong *suspicion* that the " noble Lord himself was a participator in the " system of peculation to which I have referred."*

It sometimes happens with the best of men, that they unintentionally create and give countenance to prejudices which they cannot afterwards control. Let us put these charges separately on their true issue.

The first charge is, that Lord Melville applied the money of the public *to other uses* than those of the naval department, in violation of an act of parliament. It is not here pretended that these *other uses* to which the money is said to have been employed were not *public uses*. Though not applied to the immediate and express service of the naval department, it is not denied to have been appropriated to the temporary exigencies of the public service in some other department. It is true that such appropriation, however beneficial it might be, is a deviation from the letter of the statute 25 Geo. III. c. 31. But does Lord Melville stand charged with violating the spirit of that act? No. It is not pretended that any part of the public money issued for the service of the

* Speech on the motion against lord Melville. *Vide* Parliamentary Register, vol. ii. p. 86.

navy was applied to *his own use* or advantage, or that he derived any benefit whatever from the application of it.

THE second charge is closely connected with the first:—That he connived at a system of peculation in an individual for whose conduct he was deeply responsible.

WHEN it is considered that no loss has been sustained by the public; that not one shilling of the public money passing through the hands of the paymaster has been in any way embezzled; no, nor even the slightest delay or interruption occasioned in any one official payment; is it not natural that we should pause here, and ask where we are to find this *system of peculation?* No instance is produced—no act is in proof, real or pretended. —What! public plunder, and not a sixpence purloined!!—A system of robbery without a single theft!!—I will not here enquire in what this prosecution originated; whether in the selfish purposes of party, or a cool sense of justice. I am addressing myself to the public----they will judge; they will perceive how it is conducted, and the *manner* will furnish a key to *the motive.*

THIS serious but unsupported accusation leads to what Mr. Whitbread calls a third charge, which is this;—that a suspicion arises that he was a participator *in that system.* If such a system, of

which no evidence has appeared, had been proved to exist; if Lord Melville, too, had appeared to have been an accomplice; then the charge of participation might and certainly ought to have been brought forward. But that a *suspicion* should take the shape of a *charge*, and this too grounded on a report which negatives the fact, is a novelty in criminal jurisprudence. In the regular administration of justice, the inquiry precedes the charge; one is surprized, therefore, to behold an Accuser press forward with a *charge*, which, *if an inquiry* is instituted, he means to support. Such language savours too strongly of premeditated persecution: one cannot but lament that the zeal of party should so often hurry men beyond the limits which their own integrity would prescribe.

The presumption of innocence previously to the conviction of guilt is the great protective principle of individual security; and, in matters of private indictment, thanks to the enlightened liberality of our laws! this presumption is steadily adhered to. But it unfortunately happens, that in a charge of peculation and embezzlement of the public money it is usually reversed, and the accused is presumed to be guilty till he is proved to be innocent. Thus in such instances the cause is prejudged: in fact, nothing is more easy than to render unpopular an individual thus accused. The mass of men out of doors have neither means nor leisure to investigate the vast variety of cir-

cumstances which ought well to be weighed before any true judgment can be formed. Calumny, in the mean time, glides forth, and creeps into all quarters; and her whispers meet a willing ear. In the intricacy necessarily attending the detail of circumstance, it will happen unavoidably that, even by the candid, much will be misrepresented, and much be misconceived. At length, the confused rumour of guilt begets a general belief of it; and when Prejudice has thrown her sword into the scale of Justice, woe to him who must abide the judgment!

It is to the noble Lord under accusation that the public owe the improvement of the several regulations established for the better management of the office of treasurer of the navy. It is to his exertions we are indebted that the class of public Accountants, himself among the rest, were placed under a more active and effectual controul.

In consequence of the act passed in the twenty-fifth of the present reign, entitled, "An Act for better regulating the Office of the Treasurer of his Majesty's Navy," several alterations were judged necessary in the establishment of the Navy Pay-office; and a new arrangement thereof was submitted to his majesty by the right honourable Henry Dundas, now lord viscount Melville, *at that time treasurer;* which was ap-

proved, and carried into effect by an order in council, dated the 9th of August, 1786.

It was a mortification to the poor bird in the fable, that the arrow which wounded her was fledged from her own wing. When any man possessing the power of abusing a public pecuniary trust, is the very man to suggest, and carry into effect, the best means of rendering such abuse impracticable; it should seem, one would think, the strongest possible evidence of the probity of his intentions and the purity of his views. In any future charge against such a person, this fact would recur to us as a presumptive testimony of his innocence. No candid person would throw it aside from his mind; still less would he resort to it for the purpose of aggravation. When Mr. Whitbread does this, he seems to depart, and that not a little, from "the spirit of moderation" which he declares, and declares truly, "is best adapted to "the investigation of truth."---"So zealous," says he, "did Lord Melville appear for the proper admi-"nistration of the civil department, that, not sa-"tisfied with the bill of 1785, he *actually proposed* "and *obtained* an order of council for authorizing, "in the management of the pecuniary concerns "of the navy, a variety of fresh regulations." And again, "Lord Melville, who, not satisfied "with the act of 1785, got new regulations, *still* "*more strict*, in 1786." If, instead of acting

thus, he had contrived to exempt himself from the operations of the laws already in force—if, speculating in future fraud, he had contrived to diminish the means of detection—such a proceeding might have been urged against him forcibly and with effect. But to bring the evidence of a man's innocence as a proof of his guilt is not quite in that spirit of candour and equity to which every public Accuser should adhere with steadiness, and from which he never can depart without disgrace.

When we recollect that the object of Mr. Whitbread's motion was to induce the house of commons to come to certain resolutions which might record on their journals the criminal misconduct of the treasurer of his majesty's navy, it follows that every circumstance should be explored that could enable those who were to decide to form a clear, liberal, unbiassed judgment on the transactions stated; and that whatever could lead to such a resolution be plainly and faithfully laid before the house. The charges, as they stood in the tenth report, do not appear to have been sufficiently authenticated. The Chancellor of the Exchequer urged, with equal force and truth, that the materials before the house, as applicable to the charge made, were not sufficient to enable them to form such a judgment as duty and honour required. Many mistatements were instanced, and circumstances were pointed out evincing the urgent

necessity that the Report before the house should be subjected to further inquiry before they voted the resolutions which were the subject of Mr. Whitbread's motion.

Mr. Pitt, in his speech delivered in reply to Mr. Whitbread, noticed these mistatements, together with many errors of an important nature which the Commissioners had fallen into. He pointed out particularly the incorrectness of their conclusions respecting the sums which they estimate to have come into Mr. Trotter's account at Coutt's, without passing through the Bank. He negatived distinctly their assertion, that it was in the power of the Paymaster to increase the balance in his hands. In another point of importance he corrected their erroneous statement. "It is understood," says Mr. Pitt, "that there are generally outstanding certain assignments which are entitled to prompt payment, and the money to answer them, as stated by the commissioners of accounts—whose meritorious labours have been alluded to—is entered to the account of the paymaster, or sub-accountant. The commissioners give a state of the balances at the Bank; and, making an estimate of the current payments, say, that those balances amounted in one period to thirty-three and in another forty-five days' expenditure, whereas they assert that it need not be above ten or fourteen. This average, however, the commissioners do not calculate

" fairly; as in the one case they take it not on " the whole years of the period, and on the other " take it on the most disadvantageous periods of " the term they include. But this balance, they " say, is not deducting assignments outstanding. " Now, these should be deducted as the payment " is assigned; and it depends on the party hold- " ing it to receive it when he pleases. The un- " assigned balance should alone be looked to. " However, upon examining the statement of the " commissioners, even upon the principle on which " they admit the average should be made, what " they estimate at thirty-three days is only the " average expenditure of seventeen; and at the " end of lord Melville's treasuryship only fifteen " or sixteen, and in some so low as eight days. " Now, if on a point of this sort the commis- " sioners have fallen into no less than four errors, " it is evident that the accounts and documents " must require a more minute examination."— After commenting on other misrepresentations, Mr. Pitt moved, ' That a select committee be ap- ' pointed to consider the tenth Report of the com- ' missioners of naval inquiry, and the documents ' therewith connected; that they examine the ' same, and report their opinion to the house.'

After errors leading to the grossest misconception were thus exposed, and several were exposed from other quarters of the house, did not the duty of further inquiry become indispensable?

Let any man put the question to himself.—Ought not the report to have been further examined, and its statements canvassed, before it was made the foundation of a criminal sentence? No one whose mind is not worm-eaten with prejudice will answer, No. Are we not surprised, then, to find such a motion combated, and such inquiry resisted?

Let us next examine on what grounds it was resisted. "He would appeal," Mr. Fox said, "to the judgment of the house, whether any "further evidence could be necessary to enable "it to come to a decided opinion upon the breach "of the law, which the noble lord had himself "confessed."

Let us admit this fact; and then see how far it negatives the necessity of all inquiry. I would here press on every one's reflection the consideration urged by the present treasurer of the navy, Mr. Canning; one not of a temper to countenance undue practices in any shape; a man whose testimony is unexceptionable, because his integrity is unimpeached. "The one point to "which we are desired to confine our attention "now, and upon which the vote of the house is "to be founded, is the bare violation of the act, "the technical crime of an infraction of the law; "and upon that I am ready confidently to argue "that the case is by no means so clear as it as-"sumes to be. What do gentlemen contend to

" be the meaning of the law? That no money for
" naval services, absolutely none, shall be drawn
" from the Bank till it is to be paid into the pocket
" of the public creditor: that there shall be no
" intermediate fund, great or small—no aggre-
" gate stock out of which small payments shall
" be made; but that each particular payment, as
" it occurs, shall be satisfied by a specific draft
" upon the Bank, payable to the person to whom
" it is due? This is the construction of the law, if
" they construe it aright; and supposing them
" right in this construction, I defy them to shew
" me one syllable in the act which admits of any
" degree or distinction, or allows of the smallest
" deviation from the strict rule on any occasion,
" however urgent; or to any extent, however in-
" significant. And if this be the construction
" upon which the house is to judge, I not only do
" not pretend that lord Melville is guiltless of the
" violation, but I contend that the right honour-
" able gentleman who spoke last (Mr. Tierney),
" that the right honourable gentleman who suc-
" ceeded him as treasurer of the navy, that the
" noble lord who preceded him, was guilty, and
" that I myself am daily guilty of the same of-
" fence against the law; that every treasurer must
" be guilty of it so long as the law remains unal-
" tered, unless he is satisfied to adhere to the let-
" ter of the law, at the expence of suffering the
" whole business of the payment of naval services
" to stand still."

In truth, no lawyer, no statesman, that ever took down a volume of statutes from its shelf, but well knows that, in many instances, many a person may deviate from the letter, without departing from the spirit, of an act of parliament; nay, that cases will occur, in which he cannot adhere to the latter without violating the former. So much for the equity of obstructing and outvoting the inquiry on this ground.

Mr. Fox is a great statesman: there is none greater. To hear him affirming seriously, and with zeal, that the guilt consisted in the breach of law, unexplained by the exigency of the case and the motives which led to it, is to hear a doctrine from his lips which never did, which never could, find place in his head or in his heart. His mind is cast in another mould. But to such language we cannot but listen with a jealous ear. Coming from high authority, and talents of the first order, the very sound of it to our ear is no light evil. It may be meant, it must be meant, to end where it began, in the warmth of party zeal. But let us beware. The vapid declamations of the mere rhetorician glitter, and are forgotten: but in the captivating eloquence of such a speaker as Mr. Fox, every sentence is embalmed. The treasures of such a mind go down to future lawyers and future statesmen as an inheritance; and they will take the alloy with the ore. Posterity will come again and again to drink at the stream of his rea-

son, and they will imbibe every noxious particle with which it is impregnated.

THE breach of a statute is not *even in any case* a circumstance to which guilt is to be attached without inquiry into the intention, for by this alone can it be ascertained. The reasoning which would support the opposite opinion, is as feeble as it is false. Mr. Fox is not himself when he resorts to it. "There were," he said, "many cases in "which the most severe punishments attached to "offences to which the charge of moral turpi- "tude did not apply, but which were criminal "in consequence of the precept of the law: such "were many offences against our revenue laws. "Not two years ago an act was passed, declaring "a man guilty of felony, without benefit of "clergy, if paper of a certain sort *were found in* "*his possession*, this sort of paper being used for "the manufacture of bank notes. Now the rea- "son of this statute was this, that a man *should* "*not be presumed* to have such paper in his pos- "session but *with a criminal intention: therefore* "the breach of the act was *a proof against* him. "And the act of the 25th of the king *which ap-* "*plied to the case under consideration*, was drawn "up upon a similar principle, and the *breach of it* "was to be deemed the *proof of the criminal* "*intention**."

* Woodfall's Register, vol. ii. p. 137.

If this reasoning be true; if in the instance here adduced, or in any other, all evidence of motive is to be shut out, and none received but that of the bare abstract breach of the statute, there is an end of all trial by jury. If this principle be adopted into our jurisprudence, we may line our trunks with Magna Charta, and give our freedom to the winds.

Let us look back to the case first stated. Suppose an officer of police suspecting such paper, as the statute describes, to be concealed in certain premises, should repair thither and find many reams of it, but the party receiving intimation of his approach escapes, what in this case does he do? Why, he removes the paper for safe custody, and to prevent its being destroyed, to his own house, until the party should be apprehended; but, in the mean time, in what a predicament has this man placed himself! He has brought himself within the act; his own house is searched; a quantity of that sort of paper used for the manufacture of bank-notes is found *in his possession:* he *shall not be presumed* to have such paper in his possession but *with a criminal intention;* therefore *the breach of the act* is *proof* against him. He is guilty of felony, without benefit of clergy!!!

The acquiescence of *Westminster-hall* in this reasoning would clear the kingdom—no man would remain within its jurisdiction that could obtain a passport.

THE *intention* is precisely what constitutes the crime or guilt in every action. The bare stating a thing—perhaps innocent or indifferent in itself—to be done *corruptly*, will not relieve us from the necessity of proving *the corrupt motive*. The receiving a gift of money from another, is an act in itself innocent; the affirming it to be corruptly received, is a mere libel, unless we give in evidence the circumstances which shew *quo animo* the act was done. If a man be charged with uttering a bill knowing it to be forged, unless we distinctly shew that he had a knowledge of the forgery, we do nothing towards impeaching his innocence: he is just as irreproachable after such an accusation as he was before. It is not here meant to be contended, that an act involving in it the violation of an act of parliament is in itself neutral or indifferent: but we are not to presume from the bare statement of the fact, that the party charged with so doing has corruptly lent himself to measures subversive of the spirit and purpose of the Act. This can only be ascertained by an inquiry into the *motive* which induced this deviation, and the *consequence* arising from it. It is not sufficient that we allege the party to have acted *in contempt of* such Act to enable us to stop there, and ask for a verdict and judgment on that allegation.

To substitute *presumption* for *proof* is the last, worst stage of judicial tyranny. "*In re criminali,*" said the doctors of the Roman law,

" *probationes debent esse evidentes et luce mere-*
" *diana clariores;*" and undoubtedly they ought, and so wherever the offence admits it they will be, or the justice of our condemnation will be doubtful.

It cannot but occur to us, that all the criminality so liberally imputed to Lord Melville is, in fact, a payment by advance. The invectives bestowed upon his conduct are among the ornaments of the very speeches which go to repress all inquiry into its motives. " For the most conclu-
" sive evidence of the noble lord's corruption,
" I will only refer," said Mr. Fox, " to the para-
" graph in the 149th page of the report, in which
" the noble lord states, that although he knew
" his agent Mr. Trotter was applying the public
" money to other purposes than that for which it
" was legally intended, that he did not prohibit
" him from doing so. What is that, I will ask, but
" corruption, even taking the case *simpliciter?*
" But, combining it with other circumstances,
" could any man entertain doubt of his guilt?"

How is this last question to be answered? *Combined with other* circumstances, if these circumstances went to shew *quo animo* this was done, no man, it might happen, could entertain a doubt of his entire freedom from all guilt. What is corruption? Is it not the seeking private gain by a fraudulent breach of public trust? Is this crime meant to be charged upon Lord Melville? Is it pre-

tended that there is even the slightest foundation for it? If an act is not corruptly done, it is not the terms in which it is described that will make it so. Why, then, is an epithet to be used, which shall point the finger of scorn against a man whose integrity stands unimpeached? Does the admission above cited in the words of Lord Melville intimate corruption, or any thing approaching to it? No man, with his mind broad awake, will say that there is in this admission conclusive evidence, or any evidence at all, of the crime affixed to it. It is one thing to admit a *fact*, and another to admit the *inference* drawn from it. The former, Lord Melville without hesitation avowed; the other, he solemnly and unequivocally denied.

It is made an article of accusation against him, not that while treasurer he accommodated *himself*, but *other branches of the service*, with loans of the public money. He does not evade the charge; on the contrary, in his letter to the commissioners * he distinctly and explicitly avows it: "I think it right "to remind you," says his lordship, "that during "a part of the time I was treasurer of the navy, I "held other very confidential situations in go- "vernment, and was intimately connected with "others. So situated, I did not decline giving "occasional accommodation from the funds in "the treasurer's hands, to other services not con- "nected with my official situation as treasurer of

* *Vide* Tenth Report, p. 140.

" the navy." This accommodation of the temporary exigencies of the state was not in strictness regular, it is granted. But, was it criminal? was it an abuse? does it deserve these unqualified imputations? Surely not:—let us at least do justice to the mind and the motive. The public service was benefited. Did any detriment, any inconvenience, accrue to any other department? None. The sum borrowed was repaid by Mr. Long, then secretary to the treasury, and re-invested in the Bank. Mr. Pitt professed his utmost readiness to give the fullest explanation; he even put it as a case to shew how absolutely necessary it was that a further inquiry should take place before the house proceeded, or pronounced any decision: he had no wish to shelter it from scrutiny. These are his words: " I should be inclin-
" ed, on the contrary, to give to the house an
" account of the circumstances of the affair, its
" consequences to the public service; and, consci-
" ous of having been actuated by no motive but
" an honest zeal for the public, I should have no
" hesitation to submit to the judgment of the
" house a transaction, which, irregular and illegal
" as it may be, originated in no sinister views;
" and in their decision I should humbly acqui-
" esce, whether it were of praise or censure. I
" am confident that the sum in question *was re-*
" *paid without loss or inconvenience to any depart-*
" *ment;* and I can add too, that its application
" was under such circumstances as it would have

" been improper to disclose for a considerable pe-
" riod at least after they had happened. I can
" likewise say, that the sum of 40,000*l.* was two-
" thirds at any time diverted in this manner."

Now, in Mr. Whitbread's motion against the noble lord, what is the colour given to this transaction? His language is echoed out of doors in all quarters on this topic: let us decide for ourselves whether it truly represents the fact. " It " may be said," says Mr. Whitbread, " that the " advances were to the secretary of state for im-
" portant purposes. I shall not easily be brought
" to sanction these accommodations betwixt dif-
" ferent servants of the crown. But Lord Mel-
" ville was minister at war, president of the
" board of controul, and treasurer of the navy;
" and here is a transaction, not betwixt two in-
" dividuals, but one individual uniting three dif-
" ferent characters. It is Mr. Dundas lending
" Mr. Dundas with the one hand, and borrowing
" of Mr. Dundas with the other."

CANDOUR is a virtue of lovely hue. In her statement it would stand thus: " It is a servant " of the public in one capacity, assisting the pub-
" lic as its servant in another capacity." The object of justice is to unfold truth, not to distort it. The delineation of facts as given by the enemies of Lord Melville have this of good in them—they will persuade the public, that at least

material faults could not abound, where an opponent is reduced to have recourse to such exaggeration.

In truth, the accusers of the noble lord expatiate with even a poetic license of invective. As preceding all proof, this should seem a little premature. 'Guilt,' 'crime,' 'corruption,' 'peculation,' are epithets perpetually dancing before us in all their speeches. They are figuring in and out of every period; down the middle and up again, foot and change sides, till our reason goes half round: but when the dance is over, when our prejudices cast off, and our senses once more take their seat, behold—it was delusion all!

Let us go forward to another topic of accusation, *the destruction of papers.* A circumstance of this kind has certainly, upon the first blush of it, a something which leads to suspicion; and much has been made of this fact, and great pains taken to impress the world with a belief that Lord Melville had in so doing destroyed the evidence of his own misconduct, and torn documents that might otherwise have appeared against him. The fact itself is urged as a matter of great criminality by Mr. Whitbread; and the above construction is by him anxiously put upon it, and has gone forth to the public as the true construction. "His "lordship" says Mr. Whitbread, "tells the com- "missioners that he cannot give them the inform-

" ation they required, because he cannot disclose
" confidential communications of government.
" But his great argument is, that he is not in
" possession of the papers containing the advances
" to other departments; having, for mere amuse-
" ment, no doubt, committed them to the flames.
" I do maintain that this avowal of the noble
" Lord is highly culpable: the destruction of
" these papers was, in a person of his knowledge
" of business, a *great crime* and *misdemeanour.*
" To destroy public papers referring to a recent
" date does, in my mind, imply something
" suspicious. I cannot easily trace it to any
" other principle than a wish to prevent criminal
" proceedings from being unravelled, and ac-
" companied with merited punishment."

This charge, with its comment, is spread abroad and disseminated in all quarters. Indignation is excited in every breast. No voice is heard but of reproach, no wish uttered but of punishment. In the mean time, how stands the fact? Let us pause for a moment, and examine it. It is short: we will take it from the same report of the commissioners which furnished it to Mr. Whitbread.

" Mr. Trotter gave us to understand that
" money applicable to navy services, which had
" been advanced by him to Lord Melville, was
" employed by his Lordship in *the public service*

" *of the state;* and that he was led to this con-
" clusion in consequence of a considerable sum
" so advanced having been returned to him
" by Mr. Long, one of the secretaries of the
" treasury.

" UPON *this statement* we issued our precept
" to Lord Melville, for an account of monies re-
" ceived by him, or any person on his account,
" or by his order, from the paymaster of the navy,
" between the 1st of July, 1785, and the 31st of
" December, 1800; stating when such monies
" were received; and also the times when, and
" the persons by whom, the same were returned
" to the Bank, or the paymaster*."

LET us not omit to remark, that the account here required is not of monies missing, or payments mistated, or deficient balance: here all was correct; no charge or suspicion of fraud or misconduct: the only thing required was an account stating the sums lent for the public service of the state, which it is readily acknowledged were repaid by government and returned to the Bank, and the times when the same were so returned.

WE must recollect, that between the specific periods above stated, of July 1785, and December 1800, there was an interval of fifteen years; that

* Tenth Report, p. 139.

Lord Melville quitted the office of treasurer of the navy May 31, 1800. This unexpected precept, therefore, of an account so particular and specific as was therein required, was received by him more than four years after he had quitted that office.

THE following letter, in answer, was transmitted by his lordship to the commissioners:

Wimbledon, Jan. 30, 1804.

" GENTLEMEN,

" I HAVE received your requisition, of date " the 26th instant. It is impossible for me to " furnish you with the account you ask. It " is more than four years since I left the office of " treasurer of the navy; and at the period of do- " ing so, having accounted for every sum impres- " ed into my hands, I transferred the whole ex- " isting balance to the account of my successor. " *From that time,* I never considered any one " paper or voucher that remained in my hands " as of the smallest use to myself or any other " person; and being often in the practice, since I " returned to Scotland, of employing occasionally " some time in assorting my papers, and destroy- " ing those that were useless, I am satisfied that " there does not exist any one material by which I " could make up such an account *."—(The letter

* See Tenth Report, p. 139.

then concludes with the statement we have before had occasion to extract *, respecting the accommodation given to other public services).

(Signed) " MELVILLE."

THE fact, then, stands thus:—the whole sum imprested into his lordship's hands was, on his leaving office, accounted for, and the whole balance transferred to the account of his successor: but having, during his official situation as Treasurer of the Navy, accommodated other public services with sums of money which had been punctually repaid by government, he, after having quitted the office, destroyed the papers relating to them; the transactions being long since at an end, and the documents respecting them being therefore wholly useless.

AFTER this plain statement of the fact, let us turn back to the representation of Mr. Whitbread. Is it, I would ask, or is the interpretation that goes along with it, calculated to give a just and true impression of that *great crime and misdemeanour* against which he was praying the heavy judgment of the Commons of England? Every man governed by those congenial feelings common to all honest minds will answer this question for himself.

* Page 21.

Our courts of judicature punish with a severe and heavy hand every attempt to prepossess the minds of the jury before trial: no affectation of zeal for the public good is admitted in extenuation of conduct so subversive of all rectitude and of all right.

To the British House of Commons we look up as to *the Representatives of British justice.* In their judicial capacity, they are so. Every member, therefore, sitting in such capacity, will feel it his duty to decide with much caution, and much deliberation. He will know that in criminal cases PREJUDICE *is* OPPRESSION: convinced of this, he will keep a vigorous controul on his reason, lest it be led away by any thing derived from his passions, or addressed to them. He will wind up his conviction slowly, that he may pronounce judgment fairly. If he act in any other manner, if passion or party-prejudice enter, the rest will disappear.

I HOLD it to be the first duty of every man who comes forward to demand judgment against a fellow citizen at the tribunal of his country, to place before those who are to be his judges a plain unvarnished statement of the facts upon which their judgment is to be founded: when he has done this, he has acquitted himself of the whole of his task; it is their duty to enquire into the motives, and with them into the circumstances of

aggravation or extenuation, which are of the essence of the fact: without these they cannot tell what judgment to pronounce, and until these are fully in evidence it is the duty of an accuser strictly to forbear from whatever might produce an undue bias. When he deviates from this duty, and utters the language of condemnation, he is placing himself in the seat of judgment, and pronouncing a verdict before the trial.

In the present case, the materials upon which the resolutions of the house were moved against Lord Melville were to be found in the report of the commissioners. It was the office of his accuser to arrange and digest those materials, and to refer them so arranged to the house, for their inquiry and decision. So far as, on such inquiry, he could throw light on the *facts*, it became him so to do; but *before* inquiry to throw invective and aspersion on the *motives*, did *not* become him. If, standing on the trial of our guilt or innocence, our accuser is to give what colouring he pleases to our actions; if he is to put what construction he will on our conduct, no integrity can stand against it: if this be permitted, and judgment ensue upon it, to be *declared* guilty of high crimes and misdemeanours, and to be *found* so, will be terms of very distinct meaning.

Before I proceed further, I would notice one circumstance that has been urged as unfavourable

to the integrity of Lord Melville; and it is this—his declining, under the provision of the 5th section of the Act, to answer certain questions put to him by the commissioners. I notice it the rather, lest I should be supposed to have designedly passed it by; and as it has been much dwelt upon out of doors, I wish once for all to say a word upon it.

Lord Melville we must bear in mind had been four years out of office: he had closed his accounts; he had accounted for every sum imprested in his hands, and had transferred the whole existing balance to his successor.

It was in charge against him, that he had applied certain sums to other public services than those of his own express department: these sums government had faithfully and fully repaid; but the commissioners considered the accommodation thus given as a violation of the letter of the statute.

The following question is put by them:—
"During the time you acted as treasurer of the
"navy, between the 1st of January, 1786, and
"the 31st of May, 1800, was any of the money
"applicable to naval services advanced by you,
"or by your direction, for any other public service
"than that of the navy?"

By the fifth clause of the Act under which the commissioners are appointed, every person has a right to decline an answer to any question which he might think tended to criminate himself; and under that clause his lordship declined his answer to the question thus put.

But when it is reported to the world that Lord Melville declined answering certain questions, lest he should *criminate himself*, it behoves us, for the sake of truth, to attend to the real import of the phrase as thus applied. A person morally innocent may be legally guilty. Suppose, for example, a merchant, of the strictest honour and the most exact integrity, making in the course of his trade an interest of *ten* per cent. on his capital, were requested by a friend to assist him with the loan of a thousand pounds, to enable him to embark in some lucrative concern, or for any other purpose: if, actuated by a desire to serve him, he were to deduct that sum from his floating capital, and lend it to the party applying at an interest of six per cent. foregoing the additional profit of four per cent. which it would have returned to him had it continued to circulate in the concerns of his trade; such person has here acted obviously with the best intention, and yet he falls within the reach and letter of the statute of Usury. In the eye of moral reason he is *innocent;* but in the eye of the law he is *criminal,* and stands exposed to

the heavy penalty attached to the breach of it; and the person so acting could answer no question which led to disclose this fact without *criminating himself.*—When, therefore, this expression occurs on the subject we are at present considering, justice requires that we should carry this legal sense of it in our minds.

In what situation did his lordship stand? His reply to the question just put required that he should state the fact: but to avow it, unconnected and unexplained by all the circumstances on which it arose, might tend to criminate him; and these he had before stated in his letter to the commissioners—"his duty to the public restrained him "from revealing." Thus he would have been compelled to confess himself criminal in *law*, and at the same time to suppress all the circumstances which would go to prove him innocent in *fact*.

Nor can we fail to remark that his lordship knew not to what purpose his answer might be applied, or whether it was meant to be resorted to hereafter as the foundation of a criminal charge; if not, at least it would stand on record against him, unqualified by future explanation. Moreover, in every court known to the system of our constitution the party has a right, and a most important one it is, to examine and cross-examine the evidence: at present, he had it not; and the want of it subjected him to the necessity of reply-

ing with peculiar caution. So circumstanced, common prudence would justify any person in imposing silence upon himself. That such situations might arise was foreseen, as is obvious from the express provision of the statute under which the protection is granted.

The appropriation was contrary to the injunction of the Act; but his lordship rested his justification in the public exigency and the public service: that the sums were faithfully applied in aid of that exigency and of that service was a fact known to the commissioners, and not disputed. They knew, too, the reasons which impelled him not to disclose the circumstances which, if disclosed, would acquit him. If after this their inquiry was discreetly pressed, it was at least as discreetly resisted.

To the question—"Did Mr. Alexander Trotter, "while paymaster of the navy, lay out or apply, or "cause to be laid out or applied, any of the money "issued for carrying on the current service of the "navy since the 1st January, 1786, for your benefit "or advantage?"—Lord Melville replied, "From "the manner in which Mr. Trotter kept my ac-"counts, it is impossible for me to answer that "question." It was then asked, "Did you di-"rect or authorize him so to do?" The answer was, "To the best of my recollection, I never "did."

When the report of the commissioners came before the public, a paragraph appeared in it, suggesting an opinion that their question on this head admitted an answer more direct. Upon this intimation, his lordship addressed them in the following letter:

" Gentlemen,

" Having read your tenth report, and observ
" ing particularly the following paragraph in the
" 141st page — ' However the apprehension of
" disclosing delicate and confidential transactions
" of government might operate with Lord Mel-
" ville, in withholding information respecting ad-
" vances to other departments, we do not per-
" ceive how that apprehension can at all account
" for his refusing to state whether he derived any
" profit or advantage from the use or employ-
" ment of money issued for the services of the
" navy. If his lordship had received into his
" hands such monies as were advanced by him
" to other departments, and had replaced them as
" soon as they were repaid, he could not have de-
" rived any profit or advantage from such trans-
" actions, however repugnant they might be to
" the provision of the legislature for the safe cus-
" tody of public money'—I think it necessary to
" state the following observations, in order to
" place in their just view the grounds on which I
" declined answering your question, and which
" you appear not to have accurately understood.

" When you first called upon me for information,
" I stated to you that I had not the materials on
" which I could frame such an account as you re-
" quired of me at that time to prepare: and, in
" in a communication with Mr. Trotter, before
" my examination on the 5th of November last,
" I learnt, for the first time, that in the accounts
" he had kept respecting my private concerns he
" had so blended his own private monies with
" what he had in his hands of public money, that
" it was impossible for him to ascertain, with pre-
" cision, whether the advances he had occasion
" to make to me, in the course of his running
" private accounts with me, were made from the
" one or from the other aggregate sums which
" constituted his balance with Messrs. Coutts.
" This circumstance, which I understood Mr.
" Trotter had distinctly communicated to you,
" made it impossible for me to return any other
" answer than I did to the general question which
" you put to me — ' Whether Mr. Trotter had
" applied any of the money issued for carrying on
" the current service of the navy for my benefi tor
" advantage?'—and to this circumstance I uni-
" formly referred in my answers to other questions
" respecting the manner in which Mr. Trotter ap-
" plied the money in his hands. When you put
" the question to me—' Whether I did direct or
" authorize Mr. Trotter to lay out or apply, or cause
" to be laid out or applied, any of the money issued
" for carrying on the current service of the navy to

" my benefit or advantage?'—My answer was, To
" the best of my recollection, I never did.' That
" answer I now repeat. Had you proceeded to
" inquire, whether I ever had any understanding,
" expressed or implied, with Mr. Trotter respect-
" ing any participation of advantages derived
" from the custody of the public money, or whe-
" ther I at any time knowingly derived any ad-
" vantage to myself from any advances of public
" money; I should have had no hesitation in de-
" claring, as I now do, that there *never was any*
" *such understanding, or any thing like it*, between
" Mr. Trotter and myself: that I never, know-
" ingly, derived any such advantages; and that
" whatever emolument accrued to Mr. Trotter,
" in the conduct of the pecuniary concerns of
" the office, were, so far as I am informed, *exclu-*
" *sively his own.* With respect to any advances
" which Mr. Trotter might make on my private
" account, I considered myself as debtor to him
" alone; and as standing with regard to him in
" no other predicament than I should have done
" with any other man of business who might be in
" occasional advance to me in the general ma-
" nagement of my concerns entrusted to him. It
" is impossible for me to ascertain from any docu-
" ments or vouchers in my hands, or now exist-
" ing, what the extent of those advances might
" have been at any particular period. The ac-
" counts which you have inserted in your report

" I never saw, till I saw them in the report itself.
" They are no accounts of mine, nor am I a party
" to them. They contain a variety of sums,
" issued nominally to me, which never came to
" my hands; and they give no credit for various
" sums received by Mr. Trotter on my private ac-
" count from my salary as Treasurer of the Navy,
" and other sources of income, of which he was in
" the receipt; nor do they take any notice of the
" security of which he was in possession for the
" repayment of any balance at any time due to
" him from private funds. With respect to the
" sums of naval money advanced to me, and ap-
" plied to other services, I do not feel it necessary
" to make any additional observations, except to
" declare, that all those sums were returned to the
" funds from which they were taken, having in no
" instance been withdrawn from it for any pur-
" pose of private emolument or advantage. Be-
" fore I conclude, I wish to correct an inaccuracy
" which I observe in one part of the evidence, in
" Appendix, No. VII. p. 192. The question is
" put to me—' Did you derive any profit or ad-
" vantage from the use or employment of money
" issued for carrying on the current service of the
" navy, between the 19th August, 1782, and 30th
" April, 1783, or between the 1st February, 1784,
" and 31st December, 1785, during which periods
" you held the office of Treasurer of the Navy?'—
" which question I there answer, by a reference

" to the answer given to a similar question put to
" me before. This answer is inaccurate, in so far
" as it contains a reference to Mr. Trotter's mode
" of blending his funds in his private accounts
" with Messrs. Coutts. Mr. Trotter was not pay-
" master till the year 1786. The circumstances,
" therefore, relating to Mr. Trotter's account,
" which precluded my returning an answer to
" your former questions, do not apply to the pe-
" riods specified in that mentioned; and I can
" therefore have no difficulty in declaring, that
" during those periods I did not derive any use
" or advantage from the public money issued for
" carrying on the service of the navy. Having
" stated these facts, it is unnecessary to add, that
" I am at any time ready to verify them upon
" oath.

(Signed) " MELVILLE."

After this complete renunciation on the part of Lord Melville; after he had thus unequivocally declared that he felt no reluctance to disclaim upon oath all participation of any profit that might have been made by Mr. Trotter; we naturally feel a regret that the commissioners could not, in compliance with their own inclination, have relieved his lordship from any imputation which the suggestion above alluded to was calculated to convey. We cannot, I say, but lament, that they were prohibited from so doing by internal considerations; to which, though standing in

the way of their wishes, it seems they could not but yield obedience.

"If it be the object of this communication," say the commissioners in their answer, "that we "should again require your lordship's attend- "ance, for the purpose of being examined touch- "ing these matters; and that we should make a "supplemental report upon the result of that ex- "amination, and such other examinations as we "might thereupon judge necessary; there can be "no disinclination on our parts, as far as we are "concerned in the proceeding, to meet your lord- "ship's wishes: but it appears to us that the in- "quiry which is the subject of the tenth report "has attained that period when it would not be- "come us to adopt such a measure merely upon "the suggestion of any of the parties to whose "conduct that report relates."

If any subsequent explanation which might correct their misconception of any answer given by the party examined—which explanation could not have been offered, it is obvious, until after the appearance of the report which contained the mistatement—if this was deemed inadmissible by the commissioners; if their inquiry had attained that period which forbid all future revision on their part as to the truth and accuracy of its result; the more indispensable was it that the report founded on that inquiry should undergo the strict

examination of those who were to vote the resolutions which referred to it. In this period of its progress at least, there was no formality, nor any consideration of policy, that could stand in the way of the discovery of truth, or the attainment of justice. Without such inquiry, they manifestly proceed to condemn upon doubtful and uncertain evidence. If, instead of examining themselves the allegations in an indictment, the jury were to presume the facts on which it was founded to have been previously proved, and were forthwith to pronounce a verdict of condemnation; where, in such a case, would be the security to the fame—the fortune—or even the life—of the meanest individual?

If the imputation required to be more completely destroyed, we shall find the solemn attestation of Lord Melville confirmed by the testimony upon oath by Mr. Trotter, when under examination on the same point. The question was put to him—"During the time that you held the office "of Paymaster of the Navy, did you lay out or "apply, or cause to be laid out or applied, any of "the public money, or money issued for naval "services, for the use or benefit of Mr. Tierney, "during the time he held the office of Treasurer "of the Navy?"

A. "I had not the honour of acting for Mr. "Tierney in any other than an official capacity;

" and I am persuaded, that he had no reason to
" disapprove of any part of my conduct during
" the short time that he entrusted me with the
" management of the important office which he
" then held. I have, in a former part of my
" evidence, declared my belief that he never had
" derived any advantages from the public money
" which had been put into his hands: I am
" therefore at a loss why this question should be
" again put to me in another form, unless I may
" be allowed to suppose that it is meant to lead
" to a similar question, to be afterwards proposed
" to me respecting the other treasurers under
" whom I have acted; one of whom, LORD MEL-
" VILLE, had not only appointed me to transact
" and manage the whole business of the Navy
" Pay-Office, but had also employed me in the
" management of all his private money concerns
" in this kingdom, which necessarily passed
" through my accounts at the house of Messrs.
" Coutts and Company: by which, receipts of
" money by them of this description, and money
" and deposits paid in by others of my friends,
" contributed to form a balance in their hands,
" as well as the monies which they had received
" at the Bank upon my public drafts. In issuing
" the money again, which I had thus received
" upon Lord Melville's private account, I ne-
" cessarily drew for the same upon my account,
" at the house of Messrs. Coutts and Company,
" and I seldom or ever considered whether the

" balances upon it had accrued from monies thus " put into their hands indiscriminately upon " the public or private account; and therefore, " without an investigation, which, from the small- " ness of my advances to Lord Melville, I never " thought it necessary to attend to, it was im- " possible for me to discriminate whether the " money which may have been paid in satisfac- " tion of my drafts to his Lordship was money " put into my hands for the payment of naval " services or otherwise."

Thus we find his Lordship exculpated from all charge of participation, by the solemn and sworn testimony of the very person whose profits he was charged with having shared *.

* This exculpation greatly disappointed and perplexed the party; and one of their writers, in his hurry, puts one question upon the back of another with such eager dispatch, that in his confusion he overlooks the truth; or, at least, wishes his readers should overlook it.—" *Where,*" says he, " can he have obtained " new lights upon the subject? *Every paper,* relating to his con- " cerns with the treasuryship of the Navy, *he burnt,* during his " retirement in Scotland, as *appears from his Letter to the Com-* " *missioners:—Where,* in the name of probability and of common " sense, I ask *where* has his lordship now found the happy means " of ascertaining with such precision that he has never received " a share of Mr. Trotter's profits? *All* his own papers, *relative* " *to the matter,* he had burnt previous to the month of June " last."——Cobbett's Political Register, 1805, p. 530.

Lord Melville's Letter, to which we are here referred, in proof of the assertion that he had destroyed all the papers *relative to the*

LET us now advert to the *Eleventh Resolution.* The first in importance of those which were the subject of Mr. Whitbread's motion is worded as follows:

11. "THAT the right honourable Lord Viscount Melville having been privy to, and connived at, the withdrawing from the Bank of England, for the purpose of private interest or emolument, sums issued to him as Treasurer of the Navy, and placed to his account in the Bank, according to the provisions of the 25th of Geo. III. c. 31. has been guilty of a gross violation of the law, and a high breach of duty."

matter of his private accounts with Mr. Trotter, has, in fact, *no relation whatever to those accounts:* it relates only to *the account* required by the Commissioners of *the monies applied to other public services than those of the Navy.* This his lordship states himself at that distance of time unable to make up in the manner specified; having, when he quitted the office of treasurer, accounted for every sum imprested into his hands, and transferred the balance into the hands of his successor; and he adds, likewise, that having since occasionally employed some time in *assorting* his papers, and destroying *such as were useless,* he had it still less within his power to furnish the particulars required.

And to this Letter we are directed as containing the confession of Lord Melville himself, that he had *burnt* all and every his papers relating to his private account *with Mr. Trotter!*—Mr. Cobbett may, if he pleases, tell a novice in calculation that 4 times 4 is 32; but it is a little too bad to refer as his authority to *Cocker's Arithmetic.*

The phrase—"for the purpose of private in-"terest," cannot fail to strike us. In consequence of the omission of the word *his*, it is left equivocal whether it was for the private interest or emolument of Mr. Trotter, or of Lord Melville: now if the latter had been proved, it ought to be expressly declared on the face of the resolution; if not proved, it ought not to be indirectly charged.—Justice does not seek ambiguity—truth does not want it.

It was of the most essential importance that the resolution should correspond with the fact. The Chancellor of the Exchequer accordingly moved to insert, after the words "for the pur-"poses of private interest or emolument," the words "to Mr. Trotter;" because he said there was no proof or confession that he connived at the drawing out of the money for his own interest or emolument; nay, he had in his own Letter denied it.

The amendment was negatived!!!

I shall next advert to the circumstance of the One Million stated in the Report to have been placed to Mr. Trotter's account at Coutts' without passing through the Bank.

No industry has been spared to inflame the popular mind, by a delineation of the dreadful condition of insecurity in which the public was

placed, and the incalculable risque and peril to which the public money was exposed ; as if the fact were, that a sum thus prodigious in its amount had been put in the purse of an individual, or mixed with his private cash account at his banker's, and there remained, with other sums, at the mercy of his peculation. If, indeed, the fact were so, great and real reason should we have to be alarmed ; nay, if the fact were even possible, not a shadow of excuse could be offered in palliation of such a possibility. But the truth is that, respecting this circumstance, the grossest misrepresentations have gone abroad. We cannot but presume that the particulars were fully inquired into by those whose duty it was to make the inquiry. If so, and a simple statement and explanation of such particulars as must have arisen from such inquiry had been impartially and clearly laid before the public, there would have been nothing in the fact to create the slightest consternation or alarm. Whether this could have been done by Mr. Whitbread, "without wounding any party "spirit," ---I use his own words,----is a question not for me to decide. The party knew, and we all know, that when the public mind is heated, suspicion is as a spark in gunpowder.

Mr. Whitbread, after preparing our minds to believe that Mr. Trotter had so opened his accounts at Coutts' as to admit the grossest embezzlement, and had so done for that express purpose, adds, "He draws under these heads of account

" immense sums of the public money—as, *for ex-*
" *ample*, A MILLION OF MONEY IN ONE DAY."—
Here it is left, and here rumour takes it up; and her falshoods fill every mouth, and startle every ear *.

* Mr. Cobbett glows with interrogation on this topic.—
" We find him," says he, " handling one particular draft for a
" *million of money:* a million of money placed in one day to his
" private account! Where did he get it? Where must he have
" got it? Is it *possible* that it could have been any thing but the
" public money? I leave it, then, to any man at all acquainted
" with the nature of the funds to *guess* at the *loss* which *must* have
" arisen from a simple person having the power of employing
" such sums for his private account, though it were only for a
" few days at a time: I leave any man to *guess* at the *loss* which
" this *must* have occasioned to the public; but as to the number
" of individuals that it *must have ruined*, that is *beyond even the*
" *compass of a guess.*"—Cobbett's Political Register, 1805, p. 507.

Let us, if Mr. Cobbett will permit, leave this his labyrinth of conjecture, and ask, Is there any proof that this sum of money was placed to Mr. Trotter's *private account?* Is it proved, or even pretended, that it was employed, or even attempted to be employed, for *any purpose of private profit whatever?* Was it not drawn from the Exchequer for the purpose of discharging navy bills to that amount, and applied instantly and without delay to the specific purpose for which it was drawn? Since, then, it never was put in any manner to the *risque*, why is left to us to *guess* at the *loss?* If, moreover, this loss *must* have taken place, it could not be difficult to point out instances in which it *had* taken place, and then to *guess* would have been needless. Surely, if *one* individual could have been found out of *the number of individuals that it must have ruined*, Mr. Cobbett would not have hesitated to produce the instance.

The gross falshoods asserted and insinuated by the accusers of Lord Melville have mislead the public mind to an extent *beyond even the compass of a guess.*

I WOULD not be understood to reflect on the commissioners—far from it. But thus far I must be permitted, with great respect, to suggest—that had they in some instances been more cautious that the fact exactly corresponded with their representation of it, neither individual nor public justice would have suffered by their circumspection: nor would either have been less indebted to Mr. Whitbread, if, when he had given us the fact, he had entered a little into the detail. He was, perhaps, unwilling to waste his eloquence in such condescension. It may be so: yet there are some, I fear, too captious to be soothed by this apology. If he had any knowledge of the particulars, he ought, they will say, in all fairness, to have permitted the public, whom he was circuitously addressing, to avail themselves of it. If he had not, ought he, in justice or in honour, to have opposed the motion for an inquiry?

LET us now turn to the statement of this circumstance by Mr. Pitt, which statement stands uncontradicted, and, I will add, incapable of contradiction.

"IN their report," says Mr. Pitt, "the com-
"missioners notice a circumstance to which they
"attach considerable importance. They observe
"that considerable sums came into Messrs.
"Coutts's hands without passing through the
"Bank; and they insinuate they know not with
"what abuses or further risks this was connected.

" The sum which they suppose might have come " into Mr. Trotter's account at Coutts's without " passing through the Bank they estimate at six " millions, and they exemplify one million paid " in on a particular day. Now, I am informed " that, in point of fact, the million in question " did come from the Bank; that it was drawn by " a draught under one of the regular heads of " service, and brought by one of the clerks or " messengers of the office to Messrs. Coutts; and " it was all paid away in the course of a few days, " having been destined to meet a certain number " of navy bills then in the course of payment. " This fact of itself overthrows the statement of " the commissioners, and affords a fair presump- " tion that in other points their representations " would be corrected by further inquiry *."

Mr. Canning likewise furnishes us with no unimportant addition to this statement of the fact by the Chancellor of the Exchequer.

" One other point," says he, " though already " explained, as I thought, satisfactorily by my " right honourable friend (Mr. Pitt), having been " referred to by an honourable gentleman (Mr. Tier- " ney), I shall take the liberty to re-state, the rather " as it leads me naturally to a remark upon certain " observations of the commissioners, which I think

* *Vide* Parliamentary Register, vol. ii, p. 106.

" it material not to leave unnoticed. The enorm-
" ous sum of one million is stated by the commis-
" sioners, and shewn by Messrs. Coutts's accounts
" to have been paid in to Mr. Trotter's credit in
" one day, at one payment, and, so far as the com-
" missioners say they can trace it, not directly
" from the Bank. The inference which they ra-
" ther suggest than distinctly draw from this fact
" is, that this sum must either have been paid out
" of the Exchequer otherwise than to the Bank,
" or that it must have been applied in an impro-
" per way in its transit from the Bank to Messrs.
" Coutts's. I do assure the house that, when
" first I heard of this extraordinary item in Mr.
" Trotter's accounts, I was as much astonished
" and alarmed as any one of the commissioners
" could be. The magnitude of the sum was one
" so much out of the ordinary course of the re-
" ceipts of the office, that I could not well ac-
" count for the issue of it; it is so much more
" beyond the ordinary course of expenditure with-
" in any reasonable limited time, that I could still
" less account for the transfer of it at once to
" Messrs. Coutts's, on the plea, on which alone
" such transfer could be at all defensible, of its
" coming speedily into distribution. I required
" therefore the fullest explanation; and I found
" it, where the commissioners would have found it
" also if they had looked for it, in the common
" ledger of the office. This million was part of a
" larger sum of two millions and a half issued on

" the 10th of April, 1795, to pay what is called a
" course of the navy; that is to say, navy bills
" and victualling bills outstanding for a certain
" number of months—in this instance for the last
" three months of 1794, and the three first of
" 1795. Of all the money transactions in which
" a treasurer of the navy can be engaged, this is
" that in which he has the least possible control
" or foresight, or even guess respecting the re-
" ceipt and issue of money. My right honoura-
" ble friend (Mr. Pitt) has already sufficiently
" shewn you that in no case has the treasurer or
" paymaster any power of accelerating or retard-
" ing the issue of money, or delaying its expend-
" iture; that he can neither get money into his
" hands sooner than the boards direct him to ap-
" ply for it, nor retain it a moment longer than till
" the public creditor calls for it; that he is in all
" respects a mere banker, without authority, with-
" out discretion, bound only to receive what is
" paid into his office, subject to account, and to
" pay out what is drawn for upon him by those
" who have a right to draw. But in this instance,
" above all others, he is purely passive—purely
" and merely the channel of conveying money
" from the government to the public; for here
" even the boards, his employers, have no previous
" knowledge of the issue. The treasury alone is
" aware when it will be convenient to them to
" pay off bills that are floating in the public
" market; and when they have resolved to do so,

" they give as short notice as possible, for the ob-
" vious purpose of not affecting the value of the
" floating securities which they are about to re-
" deem. Accordingly on the same day they send
" notice to the boards to advertise the payment,
" and to the treasurer to receive the money for
" making it. This one million appears to have
" been paid into Messrs. Coutts's on the 11th of
" April. On the 10th, the Gazette announces
" from the navy and victualling boards that there
" is money in the hands of the treasurer to pay off
" their bills of six months standing. On the same
" day the entry in the office books shews that there
" was issued to the governor and company of the
" Bank of England, on account of the treasurer of
" the navy, 2,500,000*l.* for that special purpose.
" On the 11th a transfer of one million of this sum
" is made to Messrs. Coutts's, on the plea that
" navy and victualling bills being in the hands of
" persons at the west as well as the east end of the
" town, it might be a convenience to have a part
" of the money in course of payment at Messrs.
" Coutts's;—(the plea may be good or bad; but
" in this particular instance there is no temptation
" to use it falsely;)—and in the course of a few
" days (a fortnight at most) after this transfer, the
" whole of the money is actually paid away. Such,
" sir, is the plain history of that transaction, which
" has constituted, out of doors at least, one of the
" most formidable objects of alarm and suspicion.
" And this plain statement of it, drawn from the

" sources which I have mentioned, I hope, will at " least satisfy the house that I was not quite so " wrong, nor my suggestion altogether so fri- " volous or so insidious as the commissioners are " desirous of representing, when I referred them, " upon points which I could not clear up to their " satisfaction, to the books of the office for in- " formation. The inspection of a single page of " the ledger of 1795, and a reference to the Ga- " zette of the 10th of April in that year, would " have made it wholly unnecessary and impossible " for them to report upon this point, as one wrap- " ped up in impenetrable obscurity *."

The necessity of adhering to one leading idea, and of fixing the mind in one particular train of feeling in order to produce an effective and powerful impression, is well known to all skilful judges of human nature. In the Drama, if we would hold up any character to abhorrence and contempt, we must introduce nothing that will be likely to counteract the effect we wish to produce: we must cast all his virtues into utter darkness; we must away with them, as wholly unsuitable to our purpose; no emotion must be raised in his favour: all the subordinate sketches must be adapted to the main design. The accusers of Lord Melville act in perfect conformity with this principle. Facts of apparent guilt are stated; but the motives are

* *Vide* Parliamentary Register, vol. ii, p. 127.

untraced, and the consequences are left to suspicion and conjecture: But, in matter of accusation, are these to supply the defect of proof?—What would these Accusers themselves say, were any man, contenting himself with mere conjecture and suspicion, to affirm that they were actuated, not by a zeal to serve the public, but to harass the minister:—that their secret wish and aim was completely to disconnect Lord Melville, as they have done, from all official station and power, and thereby to embarrass the exertions and weaken the energy of government, by depriving them of all the aid which his political influence and ability had so long imparted:—that the profit, whatever it might be, which Mr. Trotter might have derived from the public money was a thing they cared not for, any further than it might be made instrumental to their main design of criminating Lord Melville, of aspersing indirectly the integrity of Mr. Pitt, and impairing the strength of administration:—that this was the concealed, but real aim; to this all their zeal of prosecution tended; and to this all their exertions, whether by votes of censure, of dismissal, or of impeachment, were subservient: I ask, would the accusers of Lord Melville be contented that such suspicions should be circulated as truth? Would not their language be —Inquire, investigate, look into facts! observe the temper, the moderation, the candour with which we have conducted ourselves, and then doubt our love of justice! Mark the tenderness with which

we have throughout treated the known rectitude and integrity of Mr. Pitt; and then judge if we wished to fling suspicion on either! Attend to the accusations! behold with what exactness the evidence applies; and then discover, if you can, charges without documents, or assertions without proof! When we charge a system of peculation to have been practised, search for our statement of loss! satisfy yourself by *inquiry*, as we have done; and before you arraign us, convert your conjecture into certainty, and your suspicions into facts!—With this modest reproof the MAN OF GUESS would retire.

IN the first warmth and hurry of our feelings we are, perhaps, none of us very exact in filling the measure of justice: this is in nature. It is a thing to be expected, and, to a certain degree, to be forgiven. But when we are called upon deliberately to examine and decide, in this case we must act under the control of those principles of the constitution which impose on each of us an obligation to defend in favour of every individual, high or low, the fair and equal participation of that privilege which he claims for himself—the privilege of a full, complete, and impartial trial, before he is visited, even in the slightest degree, by the consequence of a verdict against him.

CAN such language, then, as that used by Mr. Fox, be justifiable? "It has been said that the

" house should proceed with the utmost delibera-
" tion in deciding upon character. But upon
" whose character were they to decide on this
" occasion? Not, certainly, upon that of Lord
" Melville, for his character was entirely gone;
" but upon the character of the house, and the
" government, which must depend upon the vote
" of that night. As to the character of Lord
" Melville, it was so completely destroyed in the
" public estimation for ever, that he would ven-
" ture to say, that were the vote of the house una-
" nimous in his favour it would not have the
" slightest effect in wiping away the stigma that
" was universally affixed to his name*."

The testimonial of forty years of public service is the best refutation of such invective. In truth, it is of itself strong evidence of the honour, probity, and justice, of an individual, and of the strong foundation on which his character rests, that his opponents are driven to such heavy and vehement aspersion, in order to shake it. If this truth required confirmation, Mr. Fox would himself confirm it. When thus attacked, and compelled, like the honourable person whom he thus traduces, to take refuge in his consciousness of integrity, what was his language?—" To be
" the object," said he, " of calumny and misrepre-
" sentation gives me uneasiness, it is true; but

* *Vide* Parliamentary Register, vol. ii, p. 138.

"an uneasiness not wholly unmixed with pride "and satisfaction, SINCE THE EXPERIENCE OF ALL AGES "TEACHES US, THAT CALUMNY AND MISREPRESENTATION "ARE FREQUENTLY THE MOST UNEQUIVOCAL TESTIMO- "NIES OF THE ZEAL, AND POSSIBLY THE EFFECT, WITH "WHICH HE AGAINST WHOM THEY ARE DIRECTED HAS "SERVED THE PUBLIC *."

BUT though it is possible that reputation may brighten at the forge of Calumny, it is not every man that is pleased to have his character beaten into form under the hammer of this Cyclops. It may, indeed, now and then, send forth sparks of celebrity; but it is so likely to lose in shape what it gains in lustre, that we owe no thanks, upon the whole, to those who force it under the operation.

IT is the great praise of every tribunal before which offences of whatever kind are arraigned, that it is the seat of impartial and dispassionate inquiry. The judgment of those who compose such tribunal must be formed upon calm investigation; and it is their duty to attend with cool unbiassed wisdom to the evidence stated, to discriminate the kind and degree of guilt, and to proceed according to the rules and principles of justice on each case. On their faithful discharge of this momentous duty, and on that alone, their

* Mr. Fox's Letter to the Electors of Westminster, in 1793.

reputation rests. Whether the party arraigned be acquitted or condemned depends solely on the testimony produced of his guilt or innocence: it is an event which can in no wise involve the character of those sitting in judgment. We cannot, therefore, help being a little surprised when we find it declared, on accusations referred to the deliberate, impartial, and solemn decision of the House of Commons assembled in judgment, that they were to decide, not upon the character of the accused, "but upon the character of the house "and the government, which must depend upon "the vote of that night."—If this, moreover, were so, could any argument have been more conclusive for going into a select committee of Inquiry upon the inaccuracies apparent in the Report, lest by a hasty and premature decision they should bring dishonour and reproach on both? Mr. Wilberforce adopted the same style of remonstrance: "It is not Lord Melville only," he affirmed, "whose case it now at issue; *we are ourselves upon* "*our trial.*" Viewing the matter in this light, we can only say, that persons do not usually lend their votes to their own conviction with so much alacrity as the Party in this instance appear to have done.

It is singular, but in this prosecution every thing becomes inverted. It is not common for any public Order to seek new supplies of dignity in the disgrace and degradation of its members.

Let any man consult his own feelings on this head. Should any individual of that select class in society to which he belonged be suspected of an heinous and high offence, what would be his conduct? Surely his first wish would be, that such person should be found innocent: his spirits would be weighed down, and his heart oppressed, that the honourable body with which he was associated should in any one of its members hold forth an object of deserved ignominy. Hoping the accusation groundless, he would exult in every attestation of his integrity; he would himself omit no honest exertion in his service, nor withhold any upright testimony in his vindication. He would search every vestige, every document, for proof of his innocence. He would suffer no grain to be lost—he would even winnow the chaff. So to act would in mere human feeling become us all. I will put the question to any one—What would he think if in such a case he found a person acting, not as we have described, but in the harsh spirit of an adversary; outdone by none in the zeal of conviction, eager to furnish and multiply accusation, and with a mole-eyed search exploring above, about, and underneath, to earth up all that might be found; giving to facts every construction that might go most to his dishonour; dwelling on probabilities of guilt, and presumptions of probabilities; and covering his character with discredit and contempt?—Are we to be told that the rank and reputation of the whole body

demands such hostile activity? There is no sense in the assertion. There is no truth in it.

It may now be necessary to advert to a circumstance which, though it formed no part of the subject-matter of the Resolutions, and was therefore not relevant, was nevertheless introduced; and so introduced as to imply a considerable share of iniquitous peculation. I allude to the circumstance of Lord Melville's having been acquitted in his accounts of the sum of £24,846. 6*s*. 6½*d*. the amount of Mr. Jellicoe's deficiency. When Mr. Whitbread adverted to this circumstance, though furnished with all the means of explanation, he did not omit to insinuate his suspicions in the shape of assertions, leaving to every man to point them as he pleased, and to carry them to any extent his enmity or prejudice might incline him. "He had," he said, "a strong suspicion that Jellicoe was in the same "partnership with Mark Sprott, Mr. Alexander "Trotter, and Lord Melville. He had been suf- "fered to remain a public debtor for a whole year "after he was known to be in arrears upwards of "twenty-four thousand pounds. During the next "year eleven thousand pounds more had accrued. "It would not have been fair to have turned too "short on an old companion: it would perhaps "too have been dangerous, since unpleasant dis- "coveries might have met the public eye. It "looked very much as if, mutually conscious

" of criminality, they had agreed to be silent, and " keep their own secrets." We are led to infer from all this, that there had been some confederacy in fraud; that his lordship was in the alliance, and was fearful that, being too suddenly dissolved, something might be developed which their common safety required should be concealed. It will take up but a page or too clearly to state and explain what is here so wrapped up in suspicion as to produce all the worst consequences in the public mind of a condemnation.

Mr. Adam Jellicoe was appointed chief clerk in the office for the Payment of Seamen's Wages (afterwards styled deputy paymaster) on the 30th of November, 1776, and continued to hold that office until the 30th of August, 1789.

Mr. Dundas (now Lord Melville) was appointed Treasurer of the Navy in 1784: on coming into office, he found at the head of its principal department Mr. Adam Jellicoe, a public servant who had successively filled every department of the office, and who had risen to the first situation in responsibility with the most honorable character. His length of services, then above forty-two years, the universal esteem in which he was held, and his supposed large fortune, entitled him to every confidence: and for many years after Lord Melville held the office of Treasurer of the Navy,

no doubt arose as to the safety of the public money thus committed to his care.

About the year 1788, it being come to Lord Melville's knowledge that a connection which Mr. Jellicoe had long entered into with Mr. Cort (the patentee of an invention for making wrought from unwrought iron) had by degrees involved him in engagements which began to give his friends uneasiness; he, in regard to the public safety, immediately gave orders to him to state what sum was absolutely necessary to remain with him for the public service, and to reduce his balance to that amount; and being of opinion that the balance retained in his hands was greater than the public service made necessary, his Lordship wrote to him as follows:

"Sir,

"I observe by the monthly accounts, that "the balance in your hands has remained con- "stantly greater than it used to be formerly.

"It does not occur to me that there is any "circumstance in the conduct of the business of "the office to render this change necessary:—I "would therefore wish an explanation of it, and "if it is not necessary, I must suggest to you the "necessity of reducing it.

I am, Sir,

India Office,
July 10, 1788.

Your obedient servant,

"H. D."

To this letter Mr. Jellicoe immediately wrote in answer:

"SIR,

"I HAVE the honour of your letter of this "day, suggesting the propriety of my reducing "the balance in my hands, as there appears no "reason why it should be greater of late than it "has formerly been.

"IN compliance with which I beg leave to "say, that I shall take the earliest opportunity of "paying in all my balance, for which there ap-"pears to be no immediate demand; but in case "you should think a security necessary for the "responsibility of the situation which I have the "honour to hold under you, I beg leave to offer "the inclosed *, amounting to a larger sum than I "can at any time hope to have in my hands un-"employed.

"I have the honour to be,

"With the most perfect respect, &c.

"ADAM JELLICOE."

THE sanguine hopes that were then entertained of Mr. Cort's invention becoming productive, and the inefficacy of harsher measures being considered, it was determined that Mr. Jellicoe should not be immediately suspended from his place, but

* Sundry bonds and assignments of Mr. Cort's patent.

that he should be pressed to use every exertion to pay up his balance.

In justice to his memory, it is requisite to state, that no pains were spared by him to effect what he felt so incumbent upon him; and that his health, and at last his life, fell a sacrifice to the anxiety and mental suffering which his unsuccessful endeavours occasioned.

Being left in this situation, Lord Melville had no alternative but to save for the public the wreck of the property Mr. Jellicoe died possessed of; *an extent* having been issued immediately on his death, all his effects that were available were turned into money, and paid in diminution of the debt. The patent granted to Mr. Cort, which had been the first cause of all Mr. Jellicoe's misfortunes, was also secured; and for a long time hopes were entertained that parliament would, by rewarding so beneficial an invention, have provided a further fund for lessening the debt: but, notwithstanding the great merit of the discovery, and the use of it to the country, remain uncontested, no compensation has ever been made in retribution of the great expence incurred; and Mr. Jellicoe's debt, which it was long thought would be extinguished, or nearly so, from this source, still remains due, to the amount of 24,846*l.* 6*s.* 6½*d.*

ALTHOUGH, from the accidental circumstance of Lord Melville's being in the treasurer's office at the time of Mr. Jellicoe's death, the balance stands on the face of the treasurer's accounts against him, it admits of no doubt that Mr. Jellicoe's embarrassments, and consequent misfortunes, had taken place *previously to Lord Melville's coming into office.* This is apparent from the date of the following paper, found sealed up in his repositories at the time of his death:—

"EVER since I have had the public money in "my hands, it has been a constant rule with me "to have the value of it in navy-bills, &c. &c. in "the iron chest, that in case of my death the ba-"lance might be immediately paid in.

"I HAVE never failed observing this method, "and have always had much more than my ba-"lance by me, till my engagements about two "years ago with Mr. Cort, which, by degrees, has "so drained me, and employed so much more of "my money than I expected, that I have been "obliged to turn the most of my navy-bills, &c. "into cash, and at this time, to my great concern, "am very deficient in my balance. This gives me "great uneasiness, nor shall I live or die in peace "till the whole is restored.

"BUT should my death be sudden, and before "I am able to make up the public balance, I hope

"I shall not be reflected upon, as I have always "meant honestly and justly: and I most earnestly "entreat the treasurer, or paymaster, or *whoever* "*may* be concerned, not to be severe in requiring "the balance to be *immediately* restored, lest my "character should be traduced, and my son Sa- "muel (who, I hope, is in a way to make a com- "fortable provision for himself and his brothers "and sisters) and my family be ruined.

"I HAVE considerably more than £20,000 "engaged in the business of Mr. Cort and my "son; and having paid almost all my engagements "and acceptances, I expect the returns in bills "for ironmongery wares will now come in very "fast: besides which, Governor Tonyn owes "Mr. Cort near £3,000, which Mr. Wilkinson "in Abchurch-lane assures me is as safe as if I "had it.

"MR. MORGAN, the purser (whose name is "in the contract for ironmongery wares), owes "Mr. Cort near £3,500: both these debts are "assigned to Messrs. A. and I. Weston, No. 31, "Fenchurch-street, for my use.

"MESSRS. WESTON have also in their hands "monies received from Captain William Hay, and "Captain O'Hara, in the Royal Navy, due to "Mr. Cort, and assigned to me.

"Mr. Sykes, agent, in Crutched-fryars, has "a navy bill of mine, value £2,887, with interest, "on which I borrowed £2,000 of him. Messrs. "Weston, above mentioned, will, in case of my "sudden death, assist in raising money for me; "as, I doubt not, will Messrs. Bennet and Cure, "in Fenchurch-street, to save me from any im- "putation, and my family from being hurt; and "they may be assured of being repaid by re- "mittance from Mr. Cort and my son, so that I "hope my balance will be speedily made up: "and, as I have ever meaned justly and honestly, "both with the public and every private person, I "again entreat that some favour may be shewn "to the family of one who has served faithfully "for *above forty years*, and that it will not be in- "sisted on that my balance be *immediately* paid "in. "ADAM JELLICOE."

"11th November, 1782."

"I have also a mortgage of £4,000 on an "estate of Mrs. Catharine Dent, and above £800 "interest due on it.

"A. J."

A statement of the unliquidated balance thus due to Lord Melville as Treasurer of the navy, together with the legal steps to reduce it, were laid before the treasury board. And their lordships, upon a full and attentive consideration of all the circumstances of the case, were of opinion

that it was expedient that the treasurer of his majesty's navy should be exonerated and discharged from accounting for the said sum of 24,846*l.* 6*s.* 6½*d.*, and, therefore, directed a warrant to be prepared, to be submitted to his majesty for that purpose.

A WRIT of privy seal was, thereupon, issued on the 31st of May, 1800, for acquitting Lord Melville of Mr. Jellicoe's deficiency.

ALL these circumstances—the full statement of all these facts—were before Mr. Whitbread, as at this moment they are before me *. With this means of information under his eye, could any man, about to draw down the heavy judgment of the Commons of England, and of the people of England, upon the person accused—could he, I say, impressed by the sacred obligation of conscience and honour, give it the hue and colour of a fact pregnant with secret fraud and peculation, and impute by suspicion, expressed in terms that well nigh strengthen into assertion, that Lord Melville was privately and basely betraying his high official trust, and dared not too hastily discard his confederate lest he should bring his transactions into full review and scrutiny before the public? Could the transcendent and peremptory duty of an accuser demand this? Could

* See Appendix to the Tenth Report, pages 450 to 453.

his immediate and urgent sense of public duty demand it?

Eternal Justice!—whose sway is on earth—whose source is in heaven—whose altar asks no sacrifice—whose shrine demands no victim—whose dominion ruled before the world was—whose empire will remain when worlds shall be no more—let not thy sceptre depart from our land! Give us to regard every individual, whether highest in power or lowest in rank, as a member of that commonwealth which links the interests of all! Then shall the British constitution—the reward of the blood of our martyred fathers—be the blessed inheritance of our children. Let not the zeal of party or of prejudice withdraw us from thy worship; but, in the seat of judgment, let us keep our eye on Him who ruleth over all, and who gave thy laws for our guidance, and for our government here and hereafter!

Mr. Whitbread, after describing Mr. Trotter as one whose hoards were swelling with the public loss, immediately identifies him with Lord Melville; and then, with a single sweep, consigns both to ignominy. When two persons are arraigned, it is usual for the accuser to support his specific charge against each, to shew in what manner, and to what extent, they are respectively implicated; since the evidence must vary in its matter and in its tendency, as the condition

and motives of the two persons vary. But this, it seems, was not to be a business of discrimination. "When I speak of Trotter," says Mr. W. "I "speak at the same time of Lord Melville; for "in the whole of this business they are com- "pletely identified. The action of the one I "view as the action of the other."—To fasten an offence upon Mr. Trotter, and, by means of this union of person, to follow it up with the disgrace and degradation of Lord Melville! can we think well of such a proceeding? Can we think well of a cause to which such a proceeding is necessary? Does it not moreover become infinitely more important when the offence of one person is to be visited, and that without mercy, on another, that its nature and extent be precisely ascertained? Does it not become more imperiously the duty of an accuser in such a case not to aggravate facts beyond the truth? Mr. Trotter does not deny to have occasionally derived advantages from the use of the money in his hands, nor does he pretend to assert that the use of such advantages can be shewn to be distinctly recognised and sanctioned by law: but the having so done is the full compass and stretch of his offence! Is this, then, to be magnified into a secret system of fraud and plunder, that Lord Melville may be held forth as dividing the spoil? The task of conviction, according to this mode, is sufficiently easy. Nothing more is required, than to presume an identity of interest and create an union of person, and

the business is done. It becomes necessary, in this case, to lay before the public an extract from the statement given by Mr. Trotter to the commissioners of the transactions of his paymastership, authenticated by the public vouchers and documents of the office, which shew explicitly that, of a sum exceeding one hundred and thirty-four millions, which, under the regulation of the Act directing the money to be issued to the Bank, was put under his direction, commencing with his appointment to the office in 1786, and ending with his resignation of the office of paymaster in 1803, there was no loss or deficiency, or even delay, in any part of the whole of its official payment.

THE explanation delivered by Mr. Trotter to the Commissioners of Naval Inquiry concludes thus:—

"I BEG leave," says he, "to bring the whole "subject into a short and connected statement, "and to illustrate it with the figures, which re- "lates to the transactions of my paymastership.

"I AFFIRM, 1st, That I have never had it in "my power, from the nature of my appointment, "to augment the balances of the Treasurer of the "Navy, or to create unnecessary balances in his "hands.

"2dly, THAT no payments, in reduction of his

" balances, can be made by the Treasurer of the " Navy, but under the direction of the Boards.

" 3dly, THAT every payment which the Boards " have directed the Treasurer to make, during the " period of my being in office, has *actually* been " made by him without the smallest interruption, " hesitation, or delay; and that the balance re- " maining in my hands was left with the Treasurer " at the time I left the office.

" 4th, THAT there had " been imprested into the " hands of the Treasurer of " the Navy, and into the " Bank, upon his account, " between the 1st of Decem- " ber, 1785, and the 31st of " July, 1803, the sum of £. 134,169,233 14 11¼

" THAT accounts have " been delivered into the " several Boards, shewing " disbursements for the same " period, amounting to 133,606,984 12 10¾

" Balance - £. 562,249 2 1

" 5th, THAT no loss has accrued upon the " numerous payments attending such disburse- " ments, excepting in the sum of 462*l.* 15*s.* 6*d.* " being the amount of sums due to seamen whose " wages had been fraudulently obtained by others

"personating them; and trifling sums arising "from errors in the calculation of seamen's wages.

"6th, THAT, as I have already stated, I left "the aforesaid balance, 562,249*l.* 2*s.* 1*d.* of the "current account of the Treasurer of the Navy, "when I retired from office upon the said 31st "day of July, 1803, invested in the following "manner: viz.

	£.	s.	d.
"In the Bank, on account of the Rt. Hon. G. Tierney	265,532	11	5
"In the hands of his Cashier in the Navy department	13,662	1	8
"In the hands of his Cashier in the Victualing department	11,941	1	0¾
"In the hands of his Deputy Paymaster	6,217	18	1¼
"In the hands of his Cashier for paying allotments	5,789	4	11½
"In the hands of his Cashier for paying wages at Portsmouth	79,093	2	0¼
"In the hands of his Cashier for paying wages at Plymouth	73,842	3	9¼
"In the hands of his Cashier for paying wages at Sheerness and Chatham	90,161	16	0¼
"In the hands of his Cashier for paying Exchequer fees upon a current account	15,546	7	7
"And in payments to personated seamen, not yet allowed	462	15	6
"Making the full balance, as above stated	£. 562,249	2	1

"THE whole of the above statements can be "checked and verified by a reference to the pub- "lic accounts of the office.

"July 25, 1804. (Signed) "A. TROTTER."

THE adversaries of Lord Melville demand judgment of condemnation against him, in a tone sufficiently intrepid and positive. But we cannot fail to remark, that they are very sparing of appeal to our judgment for the truth of their averments, or to our conviction for the importance of their proofs.

THE language every-where employed by Mr. Whitbread tends to impress the House and the Public with the belief, that a secret system of peculation had been carried on by the joint management of Mr. Trotter and Lord Melville. On their examination before the commissioners, "Instead "of following the plain path," says he, "of in-"tegrity and honour, they profess total ignorance "of DEFICIENCIES IN THE PUBLIC MONEY TO A VAST "AMOUNT." The same express intimation runs through the whole of his address; he winds up his accusation with an appeal urged upon the very ground of it; and urged, too, with as much confidence as if his assertions were facts.—"When he "turned his eyes to the country gentlemen, those "guardians of the public purse, he could not "doubt of receiving their cordial support, in op-"position to a principle of PECULATION which had "been SUCCESSFULLY PRACTISED ON THE PUBLIC OF "GREAT BRITAIN FOR MANY YEARS; and that, too, by "persons entrusted with the official conduct of "its resources. If he looked to the officers of "the army or navy who composed part of that

"house, he knew that there was not one of them "who would vote in support of a SYSTEM OF COR- "RUPTION, such as had been practised by the per- "sons against whom his inquiry was charged." Would any man suspect, after hearing this train of bold and bitter accusation, that an exact account of the receipt and expenditure of the public money, during the whole period of Lord Melville's treasuryship, testified, that not a shilling of the public money had remained unaccounted for, or a single item of its application unexplained?—that Mr. Trotter had rendered an exact and faithful account of the whole sums that ever passed through his hands as paymaster; and had, on quitting the office, punctually paid over the balance to his successor?—that those were facts so well known, that in the resolutions submitted to the house by Mr. Whitbread himself, not a fractional sum, however small, is stated to have been withheld by fraud or otherwise from the public service? Would not the Resolutions have stated some loss or deficiency, either great or less, if, either by evidence or fair inference, they could have so done?

THIS system of corruption; this long-practised peculation; these deficiencies in the public money to a vast amount; why were they stated when they never were proved—when it was known, they did not exist, and therefore never could be proved? As if a multiplicity of charges

were an accumulation of crimes; as if to be accused were to be criminated, and to be arraigned were to be convicted.

When the accusers of Lord Melville were about to inflict a punishment so severe in its nature, and so oppressive in its operation, it required, one should think, that proof the most solid and satisfactory should precede the judgment to be pronounced; and that for this purpose the statements contained in the tenth report should be first verified, and the accusations which created the above delinquency explained in a course of parliamentary inquiry and examination. Mr. Pitt's motion proposed to appoint a select committee for that purpose, consisting of members of the house.—One half of the members found themselves wholly incompetent to decide without such previous inquiry: an equal number were for rejecting it, and proceeding at once to the resolutions. The house was equally divided: the vote of the Speaker remained to be given—

"'Twas his to say which should preponderate"—

He gave it against the motion for inquiry, and the resolutions were accordingly entered on the Journals of the House.

Do these, thus recorded, become the resolutions of the House of Commons? Is Lord Melville declared guilty by the votes of that house? In the language of common courtesy the fact may

be so; but, in language of plain truth, the resolutions are put on the Journals by ONE MEMBER only of the House of Commons! He is pronounced guilty, by a SINGLE VOTE of that house!

THIS casting vote, had it gone in the opposite direction, it is clear would have reversed the Resolutions, and produced an exact contrary decision. Scarcely were the resolutions carried, than Mr. Whitbread said he had, of course, a Motion to make for an address to his Majesty to remove Lord Melville from his presence and councils; but that the hour was then too late *. Mr. Pitt moved, that the house should adjourn to Wednesday.

MR. Fox submitted to the house, whether they should adjourn over a single day:—"They would "recollect," he said, "that the country was now "in the hands of a disgraced ministry." By this plea for dispatch, it would appear that Lord Melville was a mere vehicle through which the views of opposition were to be carried into effect. Previously to the resolutions being carried, Lord Melville was identified with Mr. Trotter; no sooner were they passed, than his lordship's representative character is made to absorb within it the whole body of administration! Lord Melville must retire; this *disgraced ministry* must resign:----then for the triumphal entry, and the rewards of the contest!

* It was five o'clock in the morning when the House adjourned.

On the Monday, the Chancellor of the Exchequer, as soon as he entered the House, stated, that, in consequence of the decision of the House on a former evening, Lord Melville had tendered his resignation of the office of First Lord of the Admiralty, which resignation his Majesty had been graciously pleased to accept.—

We have marked hitherto the spirit exemplified in this criminal proceeding, we shall be further interested and instructed by attending its progress.

The party who had entrusted Mr. Whitbread with the office of pouring out the vial of their wrath on the devoted head of Lord Melville, did not think that he had as yet fully executed his high commission. "From all that I have collected," said the honourable member, "among my own "friends who belong to the *party* with which I "have the honour to act, as well as what I can "understand from the gentlemen who generally "oppose, but who happened on this occasion to "concur with that *party*, it appears to be the ge-"nerally prevailing sentiment that further and "more effectual proceedings should be taken "against Lord Melville." The resignation of Lord Melville of the high office which he held in his Majesty's councils did not of itself preclude

* *Vide* Parl. Reg. April 8, p. 158.

the possibility of his return in some shape or other to power; it did not reduce him to that state of complete political annihilation which their purposes required. The honourable member therefore moved —"That an humble address should be presented "to his Majesty, praying that he would be graci- "ously pleased to dismiss Lord Melville from *all* "offices held by him, and also from his councils "and presence for ever."

We have seen, that when those to whose judgment the resolutions were submitted urged the necessity of further inquiry, the inaccuracies in the report not enabling them to guide their decision by its statement, the motion was resisted, and, by one casting vote, over-ruled. But no sooner were the Resolutions carried, than Mr. Whitbread discovered that the statement of the Committee was, as had been objected, not sufficiently intelligible; that the tenth Report had not brought facts to light with sufficient clearness. "There are many dark "and mysterious points," says Mr. Whitbread, "connected with the tenth Report, and other "subjects, which must be brought to light: it is "my purpose to move an inquiry into the several "topics." How is it that that on a sudden should become important, which before was unnecessary? What could furnish an occasion to demand that inquiry *after* the sentence was pronounced, which *before* was so vigorously and successfully opposed? The honourable accuser will himself hint to us a

solution of these questions:—"It is stated," says he, "in the tenth Report, that sums of money "have been transferred from the Treasury of the "Navy to other services. In the illegality of "such conduct, the right honourable gentle- "man over against me (Mr. Pitt) has confess- "ed that he was a party to a certain extent. "The purpose for which transfers were made "might be meritorious; but still it must be recol- "lected, that the transfer was a violation of law. "This violation is admitted: and whether the "purpose to which the money was applied was or "was not meritorious, yet remains to be seen. "To inquire into this and various other trans- "actions, I shall, after the holidays, move for "the appointment of a Select Committee*." But was not this confession made by Mr. Pitt in the very speech in which he moved for an inquiry? Why was it *then* resisted? as it is here expressly acknowledged that—"the purpose forwhich the trans- "fer was made might be meritorious, but whether "it was so or not, yet remained to be seen." Why was not Lord Melville then permitted to avail himself of that Committee of Inquiry to be instituted for Mr. Pitt? Was it denied from the fear that it should *exculpate* the one; and demanded with the hope that it would *implicate* the other?—A very moderate portion of discernment will enable us to decide on this point.

* *Vide* Parl. Reg. April 8, p. 161.

ANOTHER consideration of importance was urged in favour of its necessity :—"Perhaps, also," says Mr. Whitbread, "evidence may be found by "this Committee to ascertain that important "question, whether Lord Melville had any partici- "pation, and to what amount, of the profits re- "sulting from the use which Mr. Trotter made "of the public money. This is a most material "point to establish; and if it be possible to get at "the facts of this part of the subject, I have no "doubt but that the committee will be able to "accomplish it."

THUS, after having identified Lord Melville with Mr. Trotter;—having loaded him with the bitterest reproaches as the principal in a secret system of peculation;—having excited the popular indignation against him, as a traitor to the public trust;—and procured the condemnation of the commons of Great Britain to be entered on its journals :—after all this, a Committee of Inquiry is to be instituted "to ascertain whether "Lord Melville had any participation of the pro- "fits resulting from the use which Mr. Trotter "made of the public money." This prosecution is a labyrinth, in the mazes of which we are perpetually losing ourselves. Can candour or common sense suggest a single reason why the order of natural justice is to be thus preposterously perverted? Why inquiry should be refused before conviction, and the existence of the offence be

ascertained after the infliction of the punishment? Has any circumstance since occurred that furnishes even the slightest ground or pretence for inquiry, either against Lord Melville or Mr. Pitt, that did not exist at the very time that an inquiry was so eagerly and peremptorily opposed?

SINCE, moreover, this fact remained as yet to be verified, and a Committee was to be appointed for the purpose of its investigation, the utmost that the most rigorous justice could demand would be that Lord Melville should be suspended from his official situation until such charge against him be fully investigated. Yet we find his Accuser moving an Address to his Majesty, "that he would be graciously pleased to deprive Lord Melville of *every* "civil office he held under the crown, and *dismiss* "*him from his councils and presence* FOR EVER." And this Motion concludes the very speech in which he declares his purpose of moving *at a future day* for a Committee of Inquiry to EXAMINE THE GROUNDS OF THE IMPUTATION, AND ASCERTAIN THE TRUTH OF THE CHARGE!!

I SHALL proceed no further.—I have gone through the facts which make the ground of the Resolutions. I have examined separately the circumstances of each. The charge of a system of peculation—of corruption—of deficiency in the public money—of fraudulent intrigue with Jellicoe;—all these I have sought to compare respectively

with the evidence.—I find no evidence.—There is none *.

The party give themselves great credit for what they term their VICTORY. Had they combated with weapons of proof;—had the principles of moderation and justice come in for their share of the triumph;—their success, if not more complete, would at least have been more honourable. That day upon which the resolutions were voted, Mr. Whitbread tells us, "He cannot but feel as a "proud day for the country."—He would put a white mark of distinction upon it—

Cressa ne careat pulchra dies nota.

Is it meant to be memorable in the calendar for the exercise of British justice?—It certainly does not bear about it much that can aspire to distinction in that way.

The mass of mankind—such is the frame and cast of our nature—seldom consider of their honour or their interest as at all connected with the steady protection of those who move in the upper circles of authority. We are, for the most part, easily alienated from persons of this class; we are

* The Reader will perceive that I have here confined myself to the charges inferred from the Tenth Report. The subject-matter of the Eleventh I purpose to consider at a future period.

not displeased when the heavy hand of power is upon them. But, indeed, indeed this feeling is unworthy of us:—persons holding situations of high and important national trust ought not, on slight grounds, and in moments of irritation, to be bound hand and foot, and delivered up to dishonour and disgrace. Those who give to the public their talents, their time, their intellects—the fruit of a life of ceaseless study and strenuous labour—give to us what we never can reward, and ought not readily to undervalue. It is the leading, the most essential, the paramount excellence of our Constitution, that it secures equally the rights and reputation of all. It is the first and greatest praise of our Law, that it knows no PARTY, it never seeks condemnation as a triumph, or considers a verdict as a victory.—It is reluctant to strike, it is earnest to save.—It is at once our sword and our shield.—Its last office is to punish, but its first duty is to protect.

THE END.

Printed by T. DAVISON, Whitefriars.

A

LETTER

TO

MR. WHITBREAD.

Printed by T. Davison,
Whitefriars.

A

LETTER

TO

MR. WHITBREAD,

ON THE

DUTY OF RESCINDING THE

Resolutions

WHICH PRECEDED THE IMPEACHMENT

OF

LORD VISCOUNT MELVILLE.

LONDON:

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1806.

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LETTER, &c.

THAT ferment of the public mind which a General Election occasions having at length subsided, the Competitors have leisure to breathe, and to recover a little from the fatiguing festivity of an ardent canvass. When I see your name on the returned list of Representatives, I cannot withhold my voice from the chorus of friendly congratulations. I am sincerely disposed to rejoice that you have again gained that honour to which your ambition aspired,—and aspired laudably,—of resuming your seat in the Legislature. To be recalled to serve in Parliament is real and high honour. But the term is equivocal. To serve a party, however faithfully, is no praise. Faithfully to serve the public, is to earn genuine and just applause.

Much must always be deducted from the professions of a Candidate struggling to ensure a contested canvass. The prodigal assurances of undeviating obedience and devoted attach-

ment must be accepted with many grains of allowance. Most surely they will be pared down before they are brought into active service. Old prejudices,—old party habits,—inveterate modes of thinking and acting,—must be expected to claim somewhat of their prescriptive influence, and they will be indulged occasionally at the expence of those obsequious protestations which brought the approving Voters to the poll-book.

But although we may be contented to take human nature as we find it, and not to encourage a too credulous expectation, yet there are certain hopes which it is our duty to cherish; —it would be ungenerous not to do it. As they respect yourself, it would be more especially so. You have given specimen,—in one instance at least,—of ardent zeal, of singular activity, of matchless perseverance. United with even moderate talents, these are commanding qualities:—rightly directed, they go towards forming the character of a great Statesman;—wrongly applied, the best qualities of the mind become subdued to their influence, and they offer nothing to our view but the consolidated strength of the worst political vices.

It has been declared, and the saying has grown into the currency of a proverb, that a

house divided against itself cannot stand. Every general truth, however, has its exception. The House of Parliament, in the opinion of many, could not stand but for such division. That the controul of an alert and wakeful Opposition to the measures of ministerial Rulers is productive of good, few will be disposed to deny. It makes up for any incidental evil it may occasion by the constant corrective which it holds forth to the excesses of power. It is often said, and said too in a style of contemptuous censure, that this opposition arises chiefly from a desire to change stations with those whose policy they reprobate, or whose errors they expose. But I have always considered this objection to be as foolish as it is common-place. It is no disgrace to look up to the honours and rewards of office; they are the prizes held forth to excite and animate the exertions of public men. If these were wanting, or if they existed but as cold and feeble incentives, the public would not be served. Those who rule in the State would sleep over its affairs; or, what is worse, *they* would sleep who should sound their purposes, and watch their plans. The consequences of all this security on the one side, and supineness on the other, would soon be visible.—There must be Competitors in the race, or the worthless will walk over the course.

What limit should be put to the operation of the spirit of party, presuming its existence useful, is another and a more difficult question. You, who have more opportunity and better means of judging than I have, will answer this question better than I can possibly do. Mr. Burke will perhaps answer it better than either of us.—" It ought," he tells us, " to be circumscribed by the same laws of decorum, and balanced by the same temper, which bound and regulate all the virtues. In a word, we ought to act in party with all the moderation which does not absolutely enervate that vigour, and quench that fervency of spirit, without which the best wishes for the public good must evaporate in empty speculation."—Such was the opinion of this profound and practical politician, and know of no higher authority to which we can appeal.

Whether you are to be considered in the new Parliament as standing released from the controul of former engagements, or whether you are to bind yourself in the links of the old chain, is a matter not connected with any enquiry of mine.—But there is a subject connected,—and closely too,—with the enquiry of every man who reveres those rights, the conservation of which is the common duty and the common interest of us all.—On that subject I am not now touching for the first time.—The Impeachment of Lord

Melville engaged my attention in its very early stage. It has passed pretty steadily under my eye during the whole of its progress—and it has been my endeavour to make it pass as steadily under the eye of the public.

This prosecution—to which the modern history of this Country affords no parallel—did not originate with you: its first cause is to be sought elsewhere. When you appeared,—as every-where you did,—with your easel and pallet, filling up the broad deep shadows of this sketch of Tyranny —the outline was not your own.—You were painting on another Man's canvas.—It would be uncandid so far to question the rectitude of your mind, as to suppose that this Impeachment did more than proceed under your auspices. Why your chief Associates withdrew themselves —why those who, in the order of things, should have led—were even reluctant and ashamed to follow—is a circumstance for which it might not be difficult to account. You had cause of complaint on that head. On a former Impeachment you may remember they were active Managers —they were then every hour on the stage. In the present case they never came before the curtain—they were contented to prompt now and then from the side-scene—but no further:—if the performance was condemned, you would take the heaviest portion of disgrace—if it succeeded,

then no doubt they would have stepped in front, and shared their full dividend of honours and rewards.

The bulk of the people thought you were fighting their battles; and the great mass of opinion was, for a time, on your side. When any set of men, forming themselves into a party, profess to march forth in array against corruption—though all the time they are going out only to fight for themselves—they are sure to have the huzza of the crowd in their favour. The minds of the multitude are not made for penetration:—they see, generally, just as much as you shew them, and no more. Whoever has art enough—and it requires no great deal—to separate their passions from their understanding, may easily lead them astray. But Truth will, by degrees, win her way through the crowd. The thinking few will at length convert the thoughtless many; and the iron neck of Prejudice will bend itself to the yoke of Reason.

If there had been solid and sufficient grounds for charging the noble Lord with delinquency, there could have been no injustice in publicly putting him upon his trial. It would have been the peremptory duty of the Commons House of Parliament to have so done. They would, by such proceeding, have approved themselves the

faithful Guardians of the public purse, and of all the interests connected with it. But this power ought never to be lightly exercised. It is an authority delegated for the wisest and most useful ends, and ought never to be applied but on strong grounds and on grave occasions. It is shamefully abused, it is shockingly perverted, when, under the specious pretext of zeal for the public service, it is employed to harass and hunt down a powerful Opponent. It has this of evil too, that the public become disgusted, and the very proceeding by Impeachment—a procedure of infinite importance in itself—falls into disrepute. The House of Commons, with whom it originates, loses much of that estimation and reverence which it ought ever to hold in the popular opinion. We are apt to become suspicious, and acquire, by degrees, such a habit of distrust, that even the ardour and energy of real patriotism comes to be considered by us as nothing more than the turbulent workings of a vindictive spirit.—All this is no light mischief.

To the British House of Commons the liberties of the people are given in solemn charge. As a Member—and a distinguished Member too—of that House, you ought to have been extremely jealous of putting such a precedent on its Journals, as is contained in those Resolutions, worded as

they are: They contain—I allude to those which pronounce on the GUILT of Lord Melville—(for the greater part of them are perfectly irrelevant, and serve only to lengthen the string)—they contain, I say, a singular specimen of that fallacy in reasoning which, you may remember, is called *petitio principii*, a sophism in which the thing to be proved is assumed in the premises,—you *Resolved*, contrary to the fact,—and took for granted the very question to be tried. It is an axiom in logic, that from probable premises we can draw only probable conclusions; but, in utter defiance of this axiom, and of every other, you have drawn certain conclusions from premises which have no foundation at all.

On the temper with which the Impeachment was conducted I shall make no comment. My enquiry at present is this—What part is it the duty of an Accuser to take, who, having voted the Resolutions which were the ground of an Impeachment, and which too, before the trial of any one charge, procured him to be dismissed by the Sovereign from all public appointments? What part, I say, is it his duty to take, when the Object of this accusation and this oppression has, by his Peers assembled in judgment, with all the evidence fully before them, been solemnly and deliberately declared—NOT GUILTY?

If the question were put generally, and without a view to the particular circumstances, it would seem strange that any Man could puzzle himself into a doubt upon it. The answer seems as obvious in any common case of acquittal as any answer can be. If the accused on trial is declared innocent, he of course stands wholly exempt from all punishment; he has the protection of innocence and of the laws. No principle is better known than this. But we have here the singular case—I thank God it is a singular case—of an Individual punished first, and tried afterwards—his condemnation signed before the charges were investigated, and his sentence executed before they were proved!!! He is not made to stand aloof for a time—his honours withdrawn—and his functions suspended—till the accusation against him should be judicially examined, for in this, though severe, there might have been justice. But instead of this, we have a proceeding the most extraordinary—the most oppressive—the most unconstitutional that has ever been witnessed—in this country at least—in modern experience. The noble Lord was instantly put out of active life—dismissed from the Council-chamber of his Sovereign—stripped of all official dignity—his moral character defamed—his political character annihilated—and all this by advance, without any legal means of exculpation or defence. No con-

viction—no evidence—no vouchers—no document—no Trial—no Inquiry.—If, Sir, it was by a right exercise of power you were carried thus far out of the high road of Equity, I hope, that by some as valid exercise of the same power, you will be brought back to the point from which you set out.

I will not contrast your conduct and that of your party with the conduct of those great Statesmen to whose principles we owe the security of private right and the stability of public freedom. *They* were as strong enemies to corruption as you can possibly be—they felt as strong an abhorrence as you can possibly feel of all misconduct and all peculation in public men. If they arraigned persons,—as they did,—with firmness and vigour, they did it too with fairness and candour. If their judgment was severe, it was just. They punished the Criminal that they might preserve the Constitution—they did not violate the Constitution that they might punish the Criminal. Still less did they condemn the guiltless, and preface the Trial with the Verdict.

What should have been the conduct of the party?—Adverting to the acquittal of the Noble Lord—Should they not have said, or should not their conduct have said it for them—"The Resolutions we so harshly passed have wronged

you—fretted with the turn of politics, and forcibly rushing forward into power, we overturned you in our haste, and had no time to offer you either assistance or apology;—but we are not entirely lost to shame—the power is still left us to restore that character we have so coarsely defamed; so far, no difficulty lies in the way of your redress. The charges have, by a solemn Verdict of the Country, been wholly disproved: and it follows, that the subject-matter of the Resolutions must be wholly untrue. We will, therefore, openly and honestly rescind them, that we may, at least, have the consolation, during our continuance in power, of having done one act of justice?"—Would this have been expecting too much from the patriotism of the party? Would it have been putting the political integrity of his Accusers to too severe a test? One should hope not.—Yet nothing of all this has been witnessed. Not a syllable leading this way has been even once heard. On the contrary, a profound taciturnity,—a shrinking, morose, mortified silence. No reason given, good or bad, why these Resolutions still remain on record. What! shall the Journals of the Commons House of Parliament become the Register of Calumny? Are his Accusers desirous to perpetuate their own injustice? or are they there to remain to furnish forth a precedent to future times? This is, indeed, not wise, to say no worse of it. That which

men suffer at first, they are afterwards led to follow. They proceed from toleration to adoption. Nay, it is even well if they do not improve upon the example set before them. As for the example itself, it is most illegal—most alarming. It is impossible to condemn it with too much severity.

If a voted Majority in the House of Commons have the power of passing a verdict of condemnation in the first instance, and proceeding to procure an immediate sentence of dismission and disgrace, the tribunal of the PEERS sinks into a mere nullity: it becomes no better than the expensive part of a procession in the parade of justice. If they find the accused guilty, their judgment is anticipated and put in force; if they acquit, the acquittal comes too late,—the sentence has already been pronounced upon him, and he is executed.—Surely this is a monstrous proceeding.—We must be brought to consider the trial by Jury as a useless ceremony, and the charters of our freedom as waste paper, before we can contemplate it with any other feelings than those of disgust and indignation.

Are the public, think you, aware of the use that may be made of this proceeding? Are they aware that it contains within it a principle that may be played off against them in mockery of

their will, and in contempt of their authority?—Let us pause for a moment, and reflect upon the power that is here assumed.—If a party in the House of Commons can thus arrogate to itself a power to punish and discard an official Minister of Government, and even to continue the sentence in force after an acquittal, and in spite of it; HEREAFTER should any uncorrupt and faithful servant of the public not manifest his obedience to a JACOBIN majority, in this case the course to be pursued is chalked out with a broad line. A Committee selected from this Majority shall be appointed to sit in judgment upon his conduct, and upon their report appears a train of resolutions to be followed by his removal from all public station.—The very integrity of such a man may mark him out for a victim.—This is far from an impossible case. We live in a period pregnant with every thing that can justify alarm and caution—at a period when every step into futurity is full of peril—when we can reckon ourselves safe only on the ground we stand on, and when we cannot tell—such is the fearful state of things—how long even that may keep firm to our feet.

You were only induced to withdraw your motion for an Address to the King to remove Lord Melville from his presence and Councils *for ever*, on the ground that the object to be

attained was substantially secured by the RESOLUTIONS, and on its being understood that Lord Melville never could again enjoy any public post of trust or confidence.

If thus to act is within the limit of the power of a predominant party in the House of Commons, let this power be fairly claimed, and let us know something of its derivation. If we cannot forsee what may be its end, let us at least know something of its origin. The House of Commons is erected by the people; it emanates expressly from them—it is the issue of their own loins. All the power necessary to support the Constitution in all its freedom, and the State in all its strength, that House must be presumed to possess—as the exigencies of either cannot be always foreseen, so the means necessary to meet those exigencies cannot be detailed. In this sense, therefore, and for this reason, its power may be said to be undefined: but although it is not expressly limited,—nor can be so without crippling its energy and its use,—yet there is a circle which common sense and common justice draws round all power and all prerogative:—it cannot be employed to oppress what it was intended to protect, or to endanger what it was appointed to defend. What is the extreme step it may take with safety, is matter of visionary and vexatious discussions: it is a

question of moral policy—when it goes beyond this it becomes a question of fraud.

I confess it does appear to me that those who have acted in the whole of this proceeding have done more, and gone further, than in the valid exercise of their Representative functions they were authorized. I say this without irreverence to that authority as a body. It is most fit, and most essential, that through that medium all State offenders should be made amenable to the Laws. But I must ever consider their real power as united with the interests of the people, and making common cause with THEM.—It is the very nature of the mutual compact arising out of their political relation.—With the House of Peers as a Court of Judicature, our minds are familiar; but of the House of Commons in that capacity, the Constitution knows nothing. The Law of the land is with us administered in the KING'S COURTS, of which that House forms no part, and in which it has no power. I cannot bring myself to conceive how a majority procured—for so it was in this case—by a single casting vote, should acquire a power to punish where there was confessedly no authority to try; and combine the opposite characters of Judge and Accuser, when they were not even competent of themselves to form a Jury.

If sufficient cause exist in any case to war-

rant the charges exhibited, that House may move for an Inquiry into those charges; or, if it please, may, without that enquiry, address the King for the purpose of putting the accused upon his trial. Having proceeded thus far, and presented their charges, the affair should be left with as little interference as possible to that High Tribunal before which he is arraigned. While his guilt or innocence are upon trial, he stands under the protection of the laws—he is within the sanctuary of the Constitution. Till this is decided, no party in the House of Commons can *offer* any legitimate Address to the Sovereign to interpose to his prejudice.—The injustice of such a proceeding speaks for itself.

The House of Commons is not self-existent; it grows out of the Community at large—it is the Instrument by which it moves and acts. Its authority is in the nature of a deposit—its prerogatives are those of investiture.—This is no new truth.—It was but the other day that the whole elected Body—yourself among the rest—sprang forward to acknowledge all this, and to pay their vows at the shrine of the Constituent power.—The House of Commons then is the Champion of the Rights—the Conservator of the privileges of the people. The highest in the order of those rights, the first in rank of those privileges, is to be fairly heard before we are condemned, and fairly

tried before we are convicted. Whoever assists to withhold the one, or to encroach upon the other, whether the party so doing be in power, or out of it, violates—and grossly too—the spirit of the laws, and outlaws the undefended subject from the pale of the Constitution. If such a proceeding is put on Record, the evil is infinite. The precedent may, indeed, stand for the present out of sight, and good men may, for a while, forget it: but—in a case of emergency—bad men, when they wish to follow it, will know where to find it.

What full sheaves of flattery were presented to the party on the occasion! The Addresses, from the different Cities and Counties, so full of adulation, seem to have been sent and accepted as highly honourable. I confess, they appeared to me as just so many libels on the character of that House to which they were presented. I considered their very praises as so much of tacit reproach. Setting aside the gross unconstitutional manner in which they prejudged the case of the person to whom they related, I will even suppose the accused to have been actually guilty, and that the House of Commons had passed upon him deservedly a judgment of Censure.—Was this act of duty so little to be expected from that House, that it should call forth such a clatter of commendation?—Is the Representative Body so much in the habit of approving fraud

and sheltering corruption, that this testimony to the contrary should excite such exultation?—Their integrity and care of the public wealth, one should have supposed was something most extraordinary and unlooked for, that it should be greeted with such loud and unusual plaudits. Was it to be inferred that, without these stimulants, their consciences could not be kept awake?—It was certainly not in the first style of compliment to the general Character of the House of Commons to consider their discharge of duty as a miracle, or, at least, so uncommon, as to inspire so many and such multiplied salutations.—If the measure was to be hailed as a symptom of reviving honesty and a forsaking of evil ways, then, indeed, this accounts for the rejoicings and encouraging addresses which followed; but all this, though they testified much hope of the future, is not much in favour of the past.

Moreover, if Addresses on such an occasion were at all proper or expedient, the House of Peers, and not the other House, should have been the Receiver. It is surely those who, in contempt of influence, and in defence of power, pronounce a fair, impartial, and merited sentence, whether of condemnation or acquittal,—that deserve our praise; and not the persons accusing, who, for ought that we can tell, may be instigated by private motives of interest or revenge.

At all events, if we must heap our praises on the prosecutor, we should at least know whether the accusation is justified, and this we cannot ascertain until the charges are fully attested, and the offence made manifest.

The Address of Thanks voted to the party by themselves, after the failure of the Impeachment, was innocent enough. It presented the harmless, but novel, picture of Combatants covering the retreat with laurels. The poet says, and very truly—'They do not merit praise, who praise despise.'—But, however true that sentiment may be, it is not less true, that the eagerness of desire is no exact criterion of desert. Praise is a present of high value; but its worth is not increased by our being at once both the Giver and the Receiver.

In the earliest stage of the prosecution, Petitions,—the joint offspring of credulity and chicane,—found their way to the Throne. These contained—not the deliberate, unbiassed will and voice of those from whom they affected to proceed, —but the voice and will of the active partizans by whom they were fabricated, and palmed upon the Sovereign and the Country (for good care was taken to give them the most extensive circulation) as the concurrent wishes and conviction of the respective Bodies from which they were

procured. They know little indeed of the means and resources of an active and powerful faction, who do not know with what facility they can, at any time, foist their own views and opinions upon the public. Petitions of any complexion, left for signature at the bar of a Tavern, or the Table of a Committee-Room—if the party out of doors are sufficiently active and understand their business—will soon receive names sufficient to give the sentiments contained in them a counterfeit currency. In a case like the present, it was matter of little difficulty.—When the great are to be degraded, the Instruments are never far to seek.

But it seems to me a most singular innovation in the known established Tribunals for the trial of the Subjects of this kingdom, that a Mayor, Aldermen, and Common Council in Common Hall assembled, should invest themselves with power to pronounce on the guilt of an Individual standing on his arraignment at the bar of his Country, and to present petitions to the Sovereign entreating that measures may be adopted for his punishment before he has been proved guilty of any offence. Among many Petitions of this extrajudicial nature, and penned in exactly the same strain, was the following presented to the King on the 30th of April, 1805. "We, your Majesty's most dutiful and loyal subjects,

the Lord Mayor, Aldermen, and Commons of the City of London in Common Council assembled, beg leave, with every sentiment of duty and devotion to your Majesty's person and Government, to approach your Majesty with *our sincere congratulations* on the discoveries which have been made by the Reports of the Commissioners of Naval Inquiry, laid before your Majesty and the other branches of the Legislature, from which your Majesty *must have seen with astonishment and indignation that* an eminent Member of your Majesty's Government, the Lord Viscount Melville *had been* GUILTY of practices which the Representatives of the people in parliament assembled have declared to be a gross violation of the law and a high breach of duty.—We are persuaded that your Majesty's royal mind feels it to be a great aggravation of Lord Melville's *palpable, conscious,* and *deliberate breach of a Statute,* which he, beyond all others, was bound to observe with strict fidelity, that had filled so many and such offices in executive Government, and was honoured with so large a share of your Majesty's confidence.—The virtues which adorn your Majesty, and which excite in the highest degree the love of your people, are *a pledge to the nation* that *in removing Lord Melville from your Majesty's councils and presence* FOR FVER, the punishment of a Delinquent, however just, is far less a motive with your Majesty than the ex-

ample held out, that no Minister, however favoured, shall presume upon your Majesty's countenance, who shall be found to *have trampled upon the law, and to have disgraced the functions with which he had been invested.*—The investigations of the Commissioners of Naval Inquiry have excited the interest, and inspired the country with gratitude towards those Commissioners; and we are persuaded that your Majesty participates in the general anxiety which pervades all ranks for the prolongation, and, if necessary, for the enlargement of their authority.—Confiding in your Majesty's paternal solicitude, that whatever is chearfully contributed by a loyal people should be faithfully administered, we entertain the fullest assurance that to your Majesty it will be a source of the profoundest satisfaction, that all necessary measures shall be adopted and persevered in *towards the correction and punishment of* PROVED *malversation,* and that nothing shall be omitted which shall have a tendency to promote the public confidence in government, and to invigorate and confirm the spirit, energy, and union of your Majesty's empire at this important crisis."—

By what infatuation was it that any respectable Body, with the chief Magistrate at its head, should have so far forgot itself, and should have had its judgment so over-ruled, and its reason

misled, as to pen a petition of this sort, which goes in its spirit and in its tendency to destroy the most important right attached to society? I do not hesitate to say, that such a proceeding deserves the severe and marked reproach of every honest mind. It goes, in its consequences, to thrust out the Subject from the parental guardianship of civil life; to annul, with respect to him, that justice which it is the proud character of our country impartially to dispense, and to pave the way for that principle of punishing without trial, which is the deadliest sting of yranny, and the worst curse of oppression.

Had not the instruments of the party, whoever they were, that drew up this singular petition, sense enough to perceive that they insulted their Sovereign in the very terms of it?—We are accustomed, indeed, to wish a person joy upon any event that may contribute to his felicity or enjoyment; but it is surely too much in a strain of insolent triumph to approach the Sovereign with their sincere congratulations on the discoveries made in Reports laid before him, from which, he is told, he must have seen with *astonishment* and *indignation* that an eminent Member of his Government, and *who had enjoyed so large a portion of his confidence*, had been guilty of a gross violation of the law, and a high breach of duty.—It is at best but a mean and

unmanly irony to offer such discoveries (supposing them real) as matter of *sincere* CONGRATULATION.

His Majesty's answer, you may remember, ran thus:

"I am fully sensible of your loyalty and attachment to my person and government; you may rely on my concurrence in every measure which is calculated to maintain the credit of the country, and to remedy any abuses which may be found to exist in the public expenditure."

Which may be found to exist!!! After the peremptory and afflicting imputation of 'palpable, conscious, and deliberate guilt,' contained in the petition, which prayed, 'that all necessary measures should be adopted and persevered in towards the correction and *punishment* of PROVED *malversation*. Who could for an instant have supposed that the offence itself had not been found to exist. Surely these petitioners must at this day bow down their heads in shame and sorrow. Other petitions there were of the same tenor, and in the same spirit. I trust we have witnessed such conduct in the country for the last time. Those who lend themselves for such purposes to faction or to power, add the grossest stupidity to the greatest treachery: they are

traitors at once to their fellow-citizens and to themselves.

For years past a thick darkness has hung over the political horizon of Europe. Our own situation has been often full of peril, and is, at this moment, far—very far from cheerful. But amid all the dangers which have at any time menaced our freedom—amid all its hazards from within, and its jeopardy from without—amidst all the mischiefs it has grappled with, and all the foes it has fought against—amidst all these—the administration of justice has been kept stedfast. To this object—bound up indissolubly with all that is dear to us—we have looked up under all our fears, and been comforted. When at different times the storm has gathered round us—when the winds blew, and the rains fell—we have rallied round this rock of our defence, and been safe.—While this remains to us, nothing is wholly lost.—When this is overthrown, nothing remains.

I must confess to you, Sir, that I think the principles manifested in the conduct of the late Impeachment, are not of that sort to which this Country owes any thing of its glory or its greatness. By their stamp they should seem to have come from the new French furnace—they have, at least, much of the soot of that Refiner's fire—

they were certainly never hammered out on the old English anvil---they have nothing of our make or metal about them.

In the speech with which you originally introduced your accusation you have a remark in which I most perfectly agree. From your lips it had somewhat the air of a confession.---"It is 'certainly to the honour of our public men, that, 'even in times when party-spirit was at its height, 'when the political world was the most violently 'agitated and convulsed, *charges such as those* 'which I now bring forward against the noble Lord 'have seldom been preferred.' * 'This was true in more senses than one. But taking it only as a compliment to the previous integrity of persons in public station, it might have excited you to greater caution in disgracing that reputation which had been thus hereditary in the State.—It should, at all events, have operated to induce any one coming forward in the important character of an Accuser on such an occasion, to take care that there was, on his part, neither mistake nor misstatement;—he would address himself, not circuitously to the passions, but calmly to the reason.---He might, perhaps, indulge his eloquence in expatiating on the nature of the *offence*, but he would know well that this was

* Vide Woodfall's Parliamentary Register, April 8, p. 80.

very distinct *from proving the commission of it.*---We cannot dwell on the *guilt* of a person ACCUSED; we are not authorized to do so until he becomes a person CONVICTED. This is a truth which, in the character of an Accuser, YOU OUGHT NEVER TO HAVE FORGOTTEN---it is a truth which, from your first appearance in that character to the last, YOU SEEM NEVER TO HAVE REMEMBERED.

Permit me, while I am on this topic, to recall to your recollection, and that of the public, the manly, impressive, and well-justified language of Mr. Pitt---a name I never while I live can recall to my memory but with mingled feelings of affection and reverence.---His reply to you opened thus:---"Sir, (addressing himself to the Speaker) the honourable Gentleman began his speech with professing an intention to submit the subject now under consideration to the house, without indulging in violent or inflammatory topics; and I am willing to allow that in the former part of it he adhered to his resolution; but I am sorry that in the conclusion it seems to have been altogether forgotten. In that part of his discourse, instead of addressing you with that calmness and moderation which best become a criminal accusation, he appealed to the passions of his audience, and *endeavoured to make an impression by the introduction*

of matter that could tend only to abuse the feelings, and mislead the judgment. He artfully drew a picture of the burdens under which the people of this country laboured, and connected with them the supposition that these burdens might have been increased by the practices on which he has expatiated. *Now, Sir, in order to be entitled to employ such arguments, it is necessary to prove that such an aggravation of the alleged misconduct has actually existed. If it shall appear* that any irregularities or malversations have taken place, I admit that they are proper subjects of parliamentary discussion; but *I must reprobate any attempt to mislead the house or the public,* by clamours about losses which have never been incurred, inconveniences which have never been felt, and an increase of public burden which has never been experienced. In point of fact there is no allegation in the report, or even in the speech of the honourable Gentleman, that any losses to the public have been sustained; there is no allegation that any defalcation, any mischief, any evil whatever, has accrued to the nation by the transactions now in question.—[At these words there was an uncommon cry of *hear! hear!* which lasted some time.]—To what (said Mr. Pitt) am I to impute this vociferation? I hope it is not intended to suppress, by clamours like these, that freedom of speech that should prevail in this house, particularly on so solemn an occasion as

this, though I cannot but consider it a bad omen of fair and impartial examination, that I am interrupted in this manner; I cannot, however, suffer myself to be interrupted. *To inflame the passions of men who are called on to pronounce upon guilt or innocence, according to the results of investigation, is inconsistent with every principle of justice;* and I cannot help observing that the honourable Gentleman has endeavoured to give a certain degree of countenance to a species of *misrepresentation* of the most dangerous nature, which has been with uncommon assiduity circulated out of doors. I allude to the insinuations that the seamen of the navy, by the circumstances on which the honourable Gentleman has commented, have been prevented from obtaining the due rewards of their toils and dangers. Such representations are destitute of all foundation, and I have no doubt that the brave and meritorious class of men, to whom they are directed, will reject them with indignation and disdain. *I must complain too, that the honourable Gentleman has attempted to give a view of the case altogether erroneous, when he calls upon the house to pass sentence, as upon persons already tried and convicted.* He has told us that Lord Melville, and every other person implicated in the transactions detailed in the tenth report, had an opportunity of being fairly tried, and that questions were put to them by which they might have proved their innocence. Now

I must confidently maintain that whatever inferences gentlemen may think themselves justified in drawing from the statements in the tenth report, *it can be called any thing but a trial.*"—

Adverting next to the resolutions of censure which you called upon the house to pass—without Inquiry—upon the mere Report before them—he proceeded thus:

"The very materials of which the report is composed are not necessarily such as to enable the house to understand them so fully as to enable them to pronounce an impartial and intelligent decision. I admit at the same time that the subject is one of a most grave and solemn nature; and although no loss nor even inconvenience can be alleged to have arisen from the transactions that have taken place; yet if, in a great money department, irregularities have been committed, it may be the duty of the house to set a mark upon such proceedings. But whether in this case it be fit to do so, must depend upon a consideration of all the circumstances, which at present are not before us in the report. Till all those circumstances are investigated and ascertained, the house cannot be in a situation to form a fair opinion of the matter, *far less can it be justified in coming to any vote of censure. I felt this before I came into the house*

this day, and the speech of the honourable Gentleman has confirmed my opinion. The statements of the reports are founded on documents which I defy any man to say do positively and of themselves prove that any man is criminal, far less can they enable us to ascertain the quantum of demerit, or the degree of severity with which it should be stigmatised. Such is the judgment I formed upon looking at the report itself; far more must it be impossible for us to decide fairly now, when many of the honourable Gentleman's arguments are founded upon the complicated materials of accounts very difficult even for the most skilful accountant to unravel, and which in one day cannot even be examined. *Surely then the honourable Gentleman calls upon us for sentence long before the cause is ripe for it.*

"I readily agree that the subject is one which deserves the most serious attention of the house; it is one which I am desirous they should investigate in the amplest manner, and that should be put in that train of examination as will enable us speedily to form such a judgment as duty and honour require. But the materials before us, particularly as applicable to the charges now made, are not sufficient to enable us to pronounce. I am sensible that there are many points that ought to be further inquired into; there are various points in

which manifest errors exist. My object therefore is, that a speedy and complete investigation should take place. The first charge dwelt upon by the honourable Gentleman, though not that on which he calls for an immediate resolution, is, that certain sums of money were applied to other than naval services. On this head I must say, that the whole case is not before us. Will the house be contented to pass judgment on the naked unexplained fact? Will they refuse to enquire what were the circumstances under which this application took place? Can it be denied that such a fact may exist in a vast variety of shades; that it may have been wanton or it may have been necessary, that it may have been great or small, that it may have been done upon a responsibility by which the public cause was benefited in a most important manner? Will the house then refuse to inquire into those circumstances? Will they refuse to enquire in what light the affair deserves to be viewed?—This surely must be obvious to every gentleman who hears me, and I put the case to shew *how absolutely necessary it is that a farther inquiry should take place before we proceed farther or pronounce any decision**."

Notwithstanding this strong constitutional

* Woodfall's Par. Register, April 8, p. 103.

remonstrance, this *farther Inquiry*, as we all well know, was outvoted, and the House forthwith proceeded to pronounce that decision which at this instant stands recorded on its Journals.

You rank yourself among the zealous assertors of the rights of the Subject. If you mean any thing more by this than to catch the public ear by those common-place professions, as old as Adam, which cost nothing, and are at every one's service,—you cannot better testify your sincerity than by measuring back your steps, and returning again into that good old path from which you have so widely gone aside. I address myself to you, because, as the supreme Agent and active Manager of the House of Commons in the Impeachment, you appear more peculiarly responsible for every deviation from those principles, which were so widely departed from, and which it is the duty of that House to perpetuate and protect. You have taken the lead in whatever passed before the Trial, you will take the lead—and I trust with more alacrity—in all which ought to follow. The part which you took in procuring the Resolutions, was explicit and determined; you will no doubt take a part as determined and explicit in PROCURING THEM TO BE EXPUNGED. This the public expect at your hands. You are bound so to act by every tie of faith and

allegiance which you owe to that Consitution, whose first principles you have assisted to violate—You are bound so to act by every obligation of public duty which can devolve upon you as a Member of that Representative Body to which the rights of the subject are given in charge.

Lord Melville—and for that I blame him—was remiss in early precaution—It was painful to observe how greatly, from the beginning, the popular judgment was deceived and abused. To the black and bitter calumnies that went abroad into all quarters,—'He opposed nothing but patience and character.' His Enemies—acting from strong incentives—were alert, ardent, vigorous, and full of exertion. All this—relying on his own integrity—he took no pains to counteract. When he should have girded up his loins, he slept upon his shield.—It was this too secure reliance that paved the way for all that has followed.

If you claimed the lead and precendency in prosecuting Lord Melville, still more strongly will you covet the proud distinction of being the foremost to do him justice. When you came forward as the Accuser of the noble Lord, you warmly declared yourself to be influenced by no other considerations than those

dictated by conscience and by a sense of public duty. It still then remains to be seen whether you were inspired by patriot zeal, or personal hostility.—Whether you went forth as a prosecutor in the Character you professed, and with the motives you avowed, or whether you were the mere Pioneer of a party struggling into power. It depends, Sir, upon yourself whether the public shall believe your apparent enthusiasm to have been honest and unaffected, or to have been mere pretence and parade.

The juncture is fortunate. Flushed with the zeal which dictated that popular address which forwarded your return to parliament—Animated with those suffrages in your favour which covered you with honour—you will take your seat in the new parliament in a temper of mind well fitted for the task that lies before you, Fortunately, too, it is a smooth and easy duty. There is no obstacle, no, not one, in the way of its accomplishment.—One feeling and one spirit must animate the whole party to this act of honourable justice. Every argument which can be drawn from truth and reason—every principle which can be suggested by political rectitude and moral policy—all—all is in your favour.

The English Constitution, with its principles and its privileges, is not the inheritance of

its subjects only—it is the inheritance of the human race—In this portentous crisis of the World it is most peculiarly so. It may, and I trust will, furnish to States not yet in being a model by which their establishments may be shaped, and their institutions modified. If they should find—as perhaps they may—something which it may be inexpedient to adopt, they will find more, much more, which a free people ought to possess, and without which they cannot be free. Fine spun theories of Government, like their Inventors, promise much, and perform nothing. Men of temperate and steady minds, who may hereafter legislate in their circle of empire, and who pursue their object with uncorrupt and honest views, will ever keep their eye on that compact and solid system of Liberty which has stood the trial of time and the test of experience. Setting aside all considerations of personal interest, and the interest of our posterity in its preservation, we owe to the whole living world,—we owe to the unborn generations of Man whatever spot they may colonize—not to introduce into it any of those principles of oppression, the effects of which we are even now struggling to ward off from ourselves and from others. Amid the aweful wreck of Empires, this Nation has stood firm and fearless. Should it hereafter be necessary—and most assuredly it will—to 'mould

anew the prostrate Universe!'—Should the ruined kingdoms around us ever again break the twisted links of that heavy chain in which they now lie stretched and struggling on the ground —If rising in the convulsive energy of despair, they should strike again for Freedom! Let us preserve inviolate and pure, for their sakes and for our own, that gloried Constitution of our Ancestors, which it has pleased that God,—whose judgments are abroad in the earth,—to shelter and to save.

In whatever I may have written to the public or to yourself, I have written wholly from the impulse of my own feelings—I have no intercourse with Lord Melville personal or political. I do not step forth the panegyrist of his virtues, or the protector of his fame.—They want no eulogy from me. But thus far I must be permitted to say, that England, at this alarming crisis of her affairs, cannot afford to throw away the service of a sound and experienced Statesman.—To have been the most confidential friend and the most active Coadjutor of Mr. Pitt, bespeaks qualities of which the loss—the irreparable loss—of that great Man, may well teach us the value.

My concern at present is for those principles which are the life of English freedom, and the

foundation of English law—I advocate no cause, but our common cause as subjects of a free Government, and our common claim to justice, when standing either under accusation, or on trial. JUSTICE—it is a truth we ought never to forget—JUSTICE is that great first principle, without which there is nothing solid or secure in Government, or in morals—it contains all the rest—it is the cement of Society—'the eternal links which clasp the world are in it;' and to tamper with its dispensations is to violate the first prerogative of Man.

The interests of the people are the leading care and concern of parliament.—You are once more returned by your Constituents to consult and to pursue those interests.—It is the privilege of the meanest of the King's Subjects to be presumed innocent until his guilt shall be made to appear by legal evidence.—This privilege is the foundation-stone of our freedom.—A glorious Revolution confirmed it to us—and I trust that no duty will be left unexerted on your part to perpetuate it to our latest posterity.

December 2d, 1806.

THE END.

Printed by T. DAVISON,
Whitefriars.

A

SPEECH

ON THE

CHARACTER

OF

THE RIGHT HON. WILLIAM PITT,

DELIVERED

IN TRINITY COLLEGE CHAPEL, CAMBRIDGE,

Dec. 17, 1806,

BEING COMMEMORATION DAY.

BY

WILLIAM EDWARD PRETYMAN TOMLINE.

THIRD EDITION.

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1807.

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TO THE REVEREND

WILLIAM LORT MANSEL, D.D.

MASTER OF TRINITY COLLEGE,

IN CAMBRIDGE,

THIS SPEECH IS RESPECTFULLY INSCRIBED,

BY

HIS FAITHFUL

AND OBEDIENT SERVANT,

W. E. P. TOMLINE.

AN inquiry into the conduct and character of great and illustrious men is always interesting and instructive; and it would be difficult to name a person to whom this observation more justly applies, than to Mr. PITT. I shall not be suspected of proposing to enter into a minute examination of the political life of that incomparable statesman; it is obvious that such a detail would be absolutely impossible upon the present occasion. Every one must perceive, that the history of Mr. PITT'S administration would necessarily involve not only the history of this Country, but of all Europe, nay, of almost the whole globe, during a period the most eventful in the annals of the world,—that it would demand so intimate a knowledge of occurrences at home, and of our relations with Foreign Powers; so near, so deep a view of causes, motives, characters, and connexions,—that even to disclaim a design of this magnitude may appear in me no small degree of presumption. Impelled however by feelings, and supported by circumstances, which will,

I trust, procure me some portion of indulgence, I shall endeavour, in the language of simple and unadorned truth, to give a general idea of the character of Mr. PITT; by enumerating a few particulars of his public conduct, and by noticing those personal qualities, by the combination of which he seems to have been distinguished from the rest of mankind. I am persuaded, that this is a subject to which the Members of the University of Cambridge will ever listen with partiality and favor: it can never be forgotten, that in this seat of science and learning he laid the foundation of that eminence to which he afterwards attained.

Mr. PITT came to the University unusually young. Though his constitution was naturally weak, and from the age of six to fifteen the course of his education was frequently interrupted by actual illness, he had acquired, under the immediate eye of his illustrious Father, a degree of knowledge never surpassed at that early period of life. During a residence of more than double the time commonly passed here by persons of his rank, he was equally remarkable for the most diligent application to study, and for the most exact conformity to the discipline of his college: he spent not an idle day, nor was he guilty of a single irregularity. He made the greatest proficiency in all those branches of knowledge to which Academical honors are assigned; and at the same time he became intimately acquainted with every other subject which might contribute to qualify him for the pro-

fession of the law, his original destination, and for those important offices in the State to which his birth and talents gave him a right to aspire. His legal practice was of short duration; but sufficiently long to prove, that, had he continued it, he must rapidly have risen to the highest stations in that honorable and laborious profession.

Without dwelling upon the circumstances of his introduction into Parliament, I shall observe, that at once, and from the first, he displayed a brilliancy of eloquence, a maturity of understanding, and a correctness of judgement, which excited the utmost astonishment in those who had been accustomed to consider these qualities, even in an inferior degree, as the late acquisition of age and experience. And let it be remembered, that among the persons who expressed the greatest surprise, were many who had long witnessed and admired the hitherto unequalled talents of the IMMORTAL CHATHAM. Before he had completed his twenty-fourth year, the first political situation in this country was offered to him. Instead of eagerly catching at this dazzling offer, which was made in terms best calculated to produce this effect, he resolutely declined it. He saw that from the state of parties he could not accept it with advantage to his King and Country; and thus he gave an early proof of that principle which was the invariable rule of his subsequent conduct. In a few months, however, a considerable change in political affairs took place; and upon a renewal of

the offer, he perceived that the same motive which had before induced him to decline, now called upon him to accept this high, and at his age unprecedented, honor. The love of power is a ruling passion in the human mind, and is, perhaps, inseparable from the consciousness of great abilities: it is a virtue or a vice, a blessing or a curse, according to the motives which excite, and the means which are used to gratify it. Under the direction of sound principle, it has been productive of the greatest national benefits; but under an opposite influence, it has been the cause of a large share of the public misery and distress, which at various periods have afflicted the inhabitants of the world.

In the struggle which ensued, and which was attended with circumstances unparalleled in the history of Parliament, Mr. PITT evinced a firmness of character, and a determined perseverance in what he believed and knew to be right, which at length triumphed over every difficulty. In contending for the prerogative of the crown, he gained the favor of the people in an unexampled degree. By an appeal to the electors of the House of Commons, it was proved that Englishmen are not more jealous of their own rights than of the rights of their Sovereign; and that they consider those as the true friends of our invaluable Constitution, who are careful to preserve to all its parts their respective privileges and functions. They well knew that if the equilibrium be once de-

stroyed, the ruin of the whole must quickly follow: they distinguished between real patriotism and lawless ambition. Among the numerous marks of public approbation which Mr. PITT at this time received from every part of the Kingdom, there was none upon which he set a greater value than the being chosen a Representative of this University; he felt the warmest attachment to the place of his education; and to be peculiarly entrusted with the interests of Religion and of Learning, could not but be highly gratifying to his enlightened mind.

He now entered upon a new scene. Animated by the favor of his Sovereign, and encouraged by the support of the People, he determined to devote his whole time and thoughts to the momentous duties of his office. Here let us pause a moment, to consider whether the situation of the Country afforded any alluring prospect to a young and inexperienced Minister.

If we reflect that a new arrangement of the affairs of the East India Company was indispensably necessary, and that this had been ineffectually attempted both by himself and by his immediate predecessors, and had already produced eager contests in Parliament,—if we reflect that a long and disastrous war, recently concluded, had left the Country impoverished and exhausted; that its income was by no means equal to the expenditure of a peace establishment, and that a large and accumulating debt remained totally unprovided for,

—if we reflect upon the inefficiency of his coadjutors, and upon the splendid talents, powerful eloquence, and commanding influence of his opponents,—we must surely acknowledge that Mr. PITT had no ordinary difficulties to encounter, no common disadvantages to surmount. But the energy of his mind ever rose with the occasion; dangers never depressed, difficulties never embarrassed him.

He first digested and established a plan, which has not only given security to our possessions in the East, but has contributed to the extension of our territory and trade, and has guarded against peculation and corruption, to which such distant concerns are peculiarly liable: and these objects were accomplished without any violation of chartered rights, or any unconstitutional addition to Ministerial patronage. This great business being completed, he directed his principal attention to Finance; and by selecting proper objects for new taxation, by introducing a variety of important regulations which rendered the old taxes more productive, and by correcting frauds and abuses which had long prevailed in the collection of the revenue, he made the income of the Country fully competent to satisfy every demand, and raised public credit from the low state to which it had been depressed. He rested not here: the danger from the National Debt, continually increasing in every year of war, and in some years of peace, had been long seen and acknowledged; but no Minister had

yet dared to take any effectual step for its liqu-
tion. This debt had now risen to so enormous an amount, that it was generally believed another war must inevitably occasion public bankruptcy. No one was more strongly impressed with this idea, no one more ready to avow it, than Mr. PITT himself. Hence various projects for preventing this incalculable evil were communicated to him by ingenious and speculative men: but after a careful and impartial examination, he rejected them all, as inadequate or impracticable. Instead of any of these visionary schemes, which would rather have aggravated than lessened the evil, he adopted that plain and simple mode, the suggestion of his own mind, the wisdom and efficacy of which have been incontrovertibly proved by the experience of more than twenty years. In the course of this long period, its operation has been uniform and regular; no revisal, no alteration, has been necessary; no improvement, either in the principle, or in the application of the principle, has been even attempted. In the progress of this measure through the House of Commons, its merits were so obvious, as to extort the commendation and support of those who acted in systematic opposition to Government; and this unanimous concurrence in Parliament was prophetic of that universal admiration which it has since obtained, among all political parties and all descriptions of men.

But the active and comprehensive mind of this truly wonderful man was not content with reliev-

ing his Country from the pressure of present burdens; he formed another plan, so exclusively his own, that the idea seems never to have entered the thoughts of any other person. By this plan, it was made absolutely impossible to contract any new debt, without at the same time providing the means of discharging it within a moderate number of years. Having by his former sinking fund removed all danger arising from the existing debt incurred by past wars, by this new sinking fund, which was so contrived that it must necessarily increase with the increasing debt, he obviated, as far as the nature of the thing would admit, the danger to be apprehended from the expenses of all future wars to the latest period of time. Can a more perfect system of finance be conceived by the imagination of man? Can human foresight be directed to a more useful political purpose? To the united effect of these two measures we are indebted for the power of carrying on that contest in which we have now been engaged for nearly fourteen years, in defence of the liberty and independence of our country.

That nothing might be wanting to our internal welfare, he was studious to improve our resources, by giving every possible encouragement to trade, navigation, and manufactures; and to the wisdom and policy of his regulations upon those important points, the commercial part of the community has been ever ready to bear the amplest testimony. Never, perhaps, was there a more favorable change

in the general situation of any Country, than in the first nine years of Mr. PITT'S administration. The dejection and gloom, which hung over this kingdom at the beginning of that period, were gradually dispelled, and were succeeded by a degree of prosperity far beyond the most sanguine expectations.

In the midst of his attention to domestic affairs, he was not regardless of what was passing upon the Continent. He kept a watchful eye upon every proceeding which might be injurious to our interests, or tend to destroy the balance of Europe. By his spirited exertions he secured the independence of Holland, and successfully asserted our rights against the encroachments of Spain. On these two occasions, he was supported by the unanimous concurrence of Parliament. In his attempt to check the ambitious projects of Russia, he met with considerable opposition; but it appeared, from subsequent events, that the interference he proposed was dictated by the soundest policy.

While England was thus enjoying prosperity at home, and maintaining her dignity abroad, a storm was gathering in a neighbouring Kingdom, as singular in its nature as it has been destructive in its consequences. Upon this great and interesting subject,I can only observe, that Mr. PITT was among the first to foresee the probable effects of the French Revolution, upon religion, morality and civil government; and that by his splendid

eloquence and unanswerable arguments he exposed the fallacy and mischievous tendency of the principles then so industriously circulated, and which had gained many zealous advocates, and made no inconsiderable progress, in this Country. These revolutionary doctrines are at present very generally reprobated in this Kingdom; but when they were first propagated, there were persons of great weight and distinguished abilities, though certainly deficient either in sagacity or patriotism, who did not hesitate to defend them, and even rejoiced in the events which had taken place in France. Such, however, was the force of Mr. PITT reasoning, and so manifestly conformable to the spirit of the British Constitution was the line he was pursuing, that, upon this occasion, many of those who had hitherto been active and decided in opposing his Administration, testified the most unequivocal approbation of his conduct; and, with equal honor to him and themselves, gave their powerful support to the bold and vigorous measures which he proposed, as indispensably necessary for the maintenance of tranquillity and subordination. By his spirit and energy, he roused the people to a sense of their danger, convinced them that war with France could no longer be avoided, and excited confidence in themselves and in their rulers. He called forth the resources of the Country, and applied them with wisdom and success. He discontinued the practice of private loans and beneficial contracts, which had not only

been a great loss to the nation, but the source of considerable influence to former Ministers; and adopted new and far less expensive modes of conducting these branches of the public service. Having increased our army, and raised our naval strength to a degree it had never before reached, he showed the greatest judgement in selecting proper officers to command the different expeditions. Our victories at sea have been splendid beyond example; and our armies, whenever they have been engaged alone, have uniformly triumphed over the enemy. To Mr. PITT we owe that admirable system for the internal defence of the Kingdom, which the patriotism and courage of the people enabled him to carry into full effect. This important measure, while it restrained the disaffected at home, displayed to our enemy such a spirit of loyalty, and such a body of military force, that he has never ventured to execute his boasted threat of Invasion.

Though occupied in the conduct of an extensive war, he found leisure to direct his thoughts to a subject which required much consideration and labor —the Union of England and Ireland. This was a measure from which it was generally acknowledged the greatest advantages might be expected to arise; but it was obviously attended with so many difficulties, that all former Ministers had shrunk from the attempt. Mr. PITT arranged a plan for this important purpose, which bears evident marks of the comprehensive mind and

political wisdom of its author; and by this consolidation of the strength of the whole Empire, the best foundation is laid for the prosperity and safety of all its parts.

While he was thus proceeding in his great career, at the head of an Administration unequalled in the records of statesmen for abilities and integrity, in full possession of the confidence of his Sovereign, of Parliament, and of the People, and with an expectation, as he himself declared in the House of Commons, of closing a glorious war by an honorable peace, he deemed it necessary to retire from this unprecedented height of Ministerial power. It is needless, and it would be improper, to discuss the circumstances which led to his resignation. It will be sufficient to assert, from indisputable authority, that upon this, as upon every other occasion, he acted from the most honorable motives; and that if he had been permitted to state and explain the measure alluded to, it would have appeared that his design was to do away, as far as might be practicable, the mischievous effects of difference in religious opinions; to guard the Established Church by more powerful sanctions against both Papists and Protestant Dissenters; and to give the cause of religion that additional protection which the prevalence of Infidelity demanded. The object always nearest his heart was the preservation of our civil and ecclesiastical constitution: and nothing can be more true than the

common notion, that he wished to repeal the Corporation and Test Acts, without proposing any substitute. The fact is, that what he intended to submit to Parliament would, in his judgement, have been better adapted to the present times, and far more effectual than the existing laws.

In his retirement we see him displaying the same greatness, the same activity, the same patriotism. His loyalty depended not upon office: his love of his Country was equally evident in every situation. Instead of a peevish secession from the discharge of his public duty, or a hostile obstruction to the measures of the new Administration, which must instantly have sunk under the weight of his opposition, he gave them their best claim to credit in the Country, by an open declaration in their favor, and by a direct avowal of his determination to assist them while they acted upon those principles which had been the rule of his own conduct. This assistance he gave publicly and privately, with a zeal and disinterestedness of which there is no other instance in the history of political parties. The renewal of war, after a short and insidious peace, involved the nation in fresh difficulties and dangers; and Ministers having ceased to listen to the advice of Mr. PITT, soon betrayed their own weakness and incompetency. At this moment the commanding superiority of Mr. PITT was universally felt, and unequivocally acknowledged: all former

difference of opinion, all political animosity, was instantly buried in oblivion: the perilous situation of the country required the union of all the talents it possessed; and all parties, and all descriptions of persons, concurred in expressing a wish to see Mr. PITT at the head of this union. It is always considered as a strong testimony in favor of one of the most distinguished characters of antiquity, that his countrymen* agreed in giving him their second vote of merit: but here all rivalry was laid aside, all competition was silenced; and the first place was with one voice yielded to Mr. PITT. This deference was an infallible proof of what was really thought of his talents by his rivals and opponents, and of the principles upon which he had acted in the most arduous contest in which any nation was ever engaged. The failure of this plan to concentrate abilities and unite the divisions of party, exhibited the greatness of his character, if possible, in a still stronger point of view: for when disappointed of the assistance of the ablest and most powerful of those whom he had expected to be his colleagues in office, he not only resisted all opposition at home, and added considerably

* Θεμιστοκλεῖ, καίπερ ἄκοντις ὑπὸ φθόνου, τὸ πρωτεῖον ἀπέδοσαν ἅπαντες· ἐπεὶ γὰρ ἀναχωρήσαντες εἰς τὸν Ἰσθμὸν ἀπὸ τοῦ βωμοῦ τὴν ψῆφον ἔφερον οἱ στρατηγοὶ, πρῶτον μὲν ἕκαστος ἑαυτὸν ἀπέφαινεν ἀριστῆ, δεύτερον δὲ μεθ' ἑαυτὸν Θεμιστοκλέα. PLUTARCH. vol. I. p. 265. Ed. Bryan.

to our naval and military force, but also surmounted those obstacles which had hitherto prevented a junction of the different Powers upon the Continent. By his efforts, that confederacy was formed, which had it been properly directed, might have contributed to the deliverance of Europe; and its want of success was owing to causes over which he could have no controul. The merit of this last measure of Mr. PITT'S government is but too evident from the consequences its failure has produced; and the treaties will ever remain a monument of his political wisdom, and of the high estimation in which he was held in Foreign Courts.

In appreciating the character of a Statesman, it is fair and right to consider the disadvantages and difficulties with which he had to contend. It has already been observed, that when Mr. PITT entered into office as First Minister, he found the Country in a distressed and impoverished state; and in the course of his Administration, he had to struggle with almost every evil, and every embarrassment, which can belong to such a situation,—the illness of His Majesty, which for a considerable time unhappily incapacitated him from the discharge of the Royal functions—pecuniary distress in the commercial world—deficiency of the circulating medium—mutiny in our fleet—rebellion in Ireland—repeated failure in our harvests—diffusion of opinions, subversive of all social order and religious principle—and war with a

most inveterate and formidable enemy. And let it be remarked, that several of these misfortunes were of a kind so singular and so extraordinary, that it was in vain to seek for assistance or instruction from similar events in the history of former times. Fortitude and genius supplied the defect of experience: he met this unparalleled succession of evils with undaunted resolution; and he rose out of every difficulty with fresh honor and increased reputation.

When any sudden emergency required immediate action, he was fertile in resources, and prompt in decision; but where the business was of a nature to be foreseen and prepared at leisure, he was studious to collect the sentiments of others: he heard with patience, and weighed the different arguments with impartiality; and thus his opinion upon any important matter was the deliberate result of full inquiry, and of every information which could be procured. Hence it happened, that he had rarely occasion to abandon any measure which he once proposed. Though he was not to be diverted from his purpose by the ingenious cavils and popular harangues of a systematic Opposition, yet he was always open to the force of just reasoning and well-grounded objection. In his conduct of public business, he was equally free from precipitation, fear, and pertinacity. He was easy of access to persons whose knowledge or situation gave them a claim to attention; and was ever ready to listen to any suggestion or communica-

tion. Whatever was the subject of discussion, in the wide range of the domestic and foreign, the civil, military, naval, and commercial concern of this great and powerful Kingdom, he never failed, by the extent and variety of his information, and by the acuteness and justness of his observations, to excite the surprise of those with whom he conversed. All persons, whatever were their occupations, pursuits, or professions, departed from Mr. PITT with a conviction of their own inferiority, even upon points to which they had devoted their whole time and thoughts: "Huic versatile "ingenium sic pariter ad omnia fuit, ut natum ad "id unum diceres quodcunque ageret*."

His merits as an Orator baffle all description. He must have been heard, or no adequate conception can be formed of his unrivalled talents. To the vigor and fire of Demosthenes, to the polished copiousness of Cicero, to the exuberant imagination of Burke, to the logical acuteness of Fox, he added a quickness and extent of comprehension, a sublimity of thought, a perspicuity of arrangement, a correctness of language, and an accuracy of judgement, which were peculiarly his own. His ideas appeared to flow with spontaneous promptitude: there was no pause, no repetition. Never could the alteration of a single word be wished; never was the train of reasoning interrupted by irrelevant digresssion, or

* Liv. lib. xxxix. cap. 40.

his hearers wearied with minute prolixity. He amplified the most barren, elucidated the most abstruse, and excited attention to the most uninteresting subjects. The energy and dignity of his manner gave irresistible influence to his commanding, yet always unpremeditated, speeches. His statements of his own measures were clear and forcible; but the powers of his eloquence were still more conspicuous in his animated replies to his antagonists. Concentrating into one view whatever had been advanced on the contrary side, he left no argument unanswered, no objection unrefuted; he removed every unfavorable impression from minds not blinded by party prejudice; he extorted reluctant admiration from his opponents, and astonished even those whom he did not convince.

Mr. PITT'S severe and long-continued attention to the momentous concerns of the State, in no respect diminished his regard for literature, or abated the pleasure he derived from books. In his early years he had as it were an intuitive perception of the sense of an Author; he at once unravelled the most involved construction, and caught the most obscure allusion. It was said by the instructor of his childhood, "He seemed not to learn, but to recollect." This youthful quickness, aided by unremitted application and a most retentive memory, was followed in maturer age, by an accuracy, a depth, and an extent of learning, which have been rarely equalled even in professed scho-

lars. Such indeed was his fondness for classical reading throughout life, that he never failed to have at hand a Homer or a Demosthenes, a Virgil or a Horace. This was his favorite amusement when alone and at leisure.

But with all his devotion to business and love of study, never was there a man who more fully enjoyed the society of his friends. Here he unbent his whole soul; here he displayed a vivacity of imagination, a brilliancy of wit, a certain ease, simplicity, playfulness and good humor, a delicacy of sentiment, and an attention to the feelings of others, which made him as much the object of private affection as he was of public confidence. His heart was formed for the sensibilities of friendship; and his manner, temper, and disposition were such, that it was impossible to know, and not to love him. Though in his public speeches he sometimes used the keenest invectives and most pointed sarcasms, in private he always spoke of his political opponents with mildness and candor; nor did he express himself with harshness even of those who deserted his cause upon the most unjustifiable grounds, or for the most dishonorable reasons: nay, such was the facility of his temper, that he was always desirous of finding an excuse or a palliation for the most unwarrantable conduct; and he was ever ready, perhaps too ready, upon the slightest acknowledgement, to receive again into his confidence, those who had treated him with insincerity or ingratitude. No

pressure of business, no untoward circumstance, no unfortunate event, disconcerted his natural cheerfulness. Resentment, peevishness, and despondency, were feelings to which his mind was an utter stranger. He was uniformly supported under the various trials to which his situation exposed him, by a consiousness of having discharged his duty, and by a religious principle which never forsook him. To this influence we are to attribute that unshaken equanimity, which was the constant theme of admiration to those who had an opportunity of observing it, not merely in the busy moments of official occupation, or the ordinary intercourse of social life, but in the retired hours of confidential and unreserved conversation. Through the most gloomy prospect, he always saw a ray of hope; under the most calamitous occurrence, he always pointed out some cause for comfort; and under the most unprovoked injury, he remained placid and undisturbed. No temptation, no inducement, no expectation of advantage, no apprehension of inconvenience, no fear of offence, not even the desire of gratifying those to whom he was most warmly attached, or with whom he was most closely connected, could prevail upon him to do what he believed to be wrong, or divert him from doing what he believed to be right. Where morality or duty was concerned, his easiness of temper was changed into inflexible firmness. He dealt not in studied civilities or unmeaning professions; he made not a trade of courtesy: he

was equally above those little arts and contrivances by which the applause of the People is too often courted. He had a certain μεγαλοψυχία, a lofty spirit, an honorable disdain of every low and interested condescension, which with those who were unacquainted with his real character, or who chose to misunderstand it, sometimes subjected him to the imputation of pride. But while acting upon higher motives, and with a far more noble object in view than private or public favor, he gained the unsolicited support, and disinterested attachment of numerous individuals, and a degree, and a continuance of popularity and confidence which no Minister ever before enjoyed.

To this truth, the consternation and grief which spread through every part of the Kingdom on the news of his death, bear incontrovertible witness. It was not merely acknowledged that the Nation had lost an able and upright Minister, at a moment the most critical and awful, but almost every one felt that he was deprived of a benefactor and a friend, the person on whom, under Heaven, he relied for the preservation of his life, liberty, and religion,—for the continuance of every private comfort, and every public blessing. No one saw any ground for consolation or hope, but from a perseverance in his measures, and an adherence to his principles. Nor was lamentation for his loss confined to this Country: his transcendant merits had penetrated the most obscure and distant regions. Revered as the protecting Genius or-

dained to check the progress of the Scourge of Nations, Europe seemed to see in his departure a sign of her approaching fate. History will record, and Posterity will appreciate, the extent and value of his services to his Country, and the high and general veneration in which he was held; while his connection with this University will be perpetuated by a just tribute of respect and gratitude to his memory*.

Within these hallowed walls I may be permitted to mention that the power of Religion shone forth in its full lustre in the last moments of this extraordinary man. He early imbibed a firm conviction of the truth of Christianity; and throughout life, Religion was in him an habitual principle, influencing and governing every feeling of his mind, and every part of his conduct, public and private. In him the belief of a superintending Providence, and of a future responsibility, produced its genuine fruits—an active discharge of duty, and a cheerful resignation to the Divine will. Aware of the approach of death, he felt no self-condemnation, no self-confidence; the consciousness of upright intention was accompanied by the deepest sense of human infirmity; and, with the most humble acknowledgement of his own unworthiness, he expressed a lively hope of salvation through the merits of Christ.

* A Subscription, to the amount of £. 7564. 10*s.* has been raised by members of the University of Cambridge, for the purpose of erecting a Statue of Mr. Pitt in the Senate House.

There was in Mr. PITT an union of genius and industry; of natural endowments and acquired knowledge; of rapidity of comprehension and patience of investigation; of liveliness of imagination and correctness of judgement; of love for learning, and relish for social pleasures; of talents for the science of government, and taste for the elegant amusements of rural retirement; of mildness and firmness; of ease and dignity; of sensibility and self-command; of refinement of feeling and vigor of mind; of eloquence to persuade in the Senate, wisdom to rule in the Cabinet, and wit to charm in conversation—all these various qualities met and harmonized in Mr. PITT, and rendered him the wonder and the delight of all who were enabled to judge of his abilities, attainments, and virtues, by witnessing both his conduct in public, and his habits in private life.

If we consider the magnitude and importance of Mr. PITT'S political measures—the arrangement of our concerns in the East, the gradual reduction of the National Debt, the necessary liquidation of all future loans, the prevention of contraband trade, the improvements in the collection of the Revenue, the variety of reforms in different departments of the State, the extension of commerce and navigation, the encouragement of manufactures, the support of public credit, the internal defence of the Country, the Union of England and Ireland;—if we consider the peculiar and

alarming nature of the difficulties which he encountered and overcame,—the suspension of the Regal functions, sedition, mutiny, rebellion, famine, impending bankruptcy, protracted war;—if we consider our victories and our conquests,—the capture of almost all the colonies of our enemies, and the protection of all our own foreign possessions;—and if we consider, that by the wisdom and the vigor of his counsels we have not only preserved our liberties and independence safe and unimpaired, but have acquired a degree of glory and of power unexampled in any period of our history; while other countries in Europe, after suffering the horrors of war on their own plains, have been subjected to the merciless dominion of an upstart Tyrant, or reduced to insignificance and disgrace;—if to this imperfect summary of the leading measures and principal events of Mr. PITT'S Administration we add his acknowledged disinterestedness, his unimpeachable integrity, his unvaried attachment to his Sovereign, his strict adherence to the spirit of our Constitution, his unremitted diligence, his undeviating consistency of conduct, his comprehensive understanding, his literary acquirements, his matchless eloquence; his openness, kindness, and generosity; his sweetness of temper, gentleness of disposition, purity of mind, benevolence of heart; and lastly, the strength of his religious principle, and its practical influence upon his life and death; we may surely be justisfied in assigning him a most distinguished place among

those who have adorned and dignified our nature, if we be not permitted to pronounce him the greatest, the most virtuous, and the most amiable character the world ever produced.

Devoted to his Country, the common springs of human action seemed in him to be annihilated: no selfish principle, no selfish feeling had ever power to divert him from his public duty: he steered right onward—

"Inconcussa tenens dubio vestigia mundo,"*

weathering many a storm; till mortal strength, exhausted by incessant watchfulness and fatigue, sunk amidst the wreck of nations he was laboring to preserve.

His body is buried in peace, honored by the mournful tribute of a grateful People: his fame shall be had in everlasting remembrance; it shall never cease to shine, unsullied, above the transient mists of earth-born envy; and HE who was his guide through life, and his hope and consolation in death, will proclaim it in heavenly glory.

THE END.

* Lucan. II. 243.

ELIJAH'S MANTLE.

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ELIJAH'S MANTLE;

BEING

VERSES

OCCASIONED BY THE DEATH OF THAT ILLUSTRIOUS STATESMAN

THE RIGHT HONOURABLE

WILLIAM PITT.

Dedicated to the Right Rev.

THE LORD BISHOP OF LINCOLN.

WITH

A PREFATORY ADDRESS.

THE FIFTH EDITION.

LONDON:

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W. Wilson, Printer, St. John's-Square.

1807.

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TO THE

Right Rev. the Lord Bishop of Lincoln,

IN TESTIMONY OF THE HIGH SENSE WHICH IS ENTERTAINED OF HIS LEARNING AND HIS WORTH;

AND AS THE PRECEPTOR OF THAT UNRIVALLED PATRIOT AND PREEMINENT CHARACTER, THE LATE

RIGHT HONOURABLE WILLIAM PITT;

THIS POEM

IS PRESENTED, WITH ALL POSSIBLE RESPECT AND VENERATION,

BY HIS LORDSHIP'S MOST OBEDIENT,

AND MOST DEVOTED SERVANT,

THE EDITOR.

PREFACE.

AMONG the many illustrious characters in every age and country which have been held up to the admiration of posterity, by the genius of the Poet, or the discernment of the Historian, the name of that great Statesman, the RIGHT HONOURABLE WILLIAM PITT, will ever maintain a distinguished place. With the grandeur and prosperity of Britain, the mind, by an involuntary impulse, associates the talents of this extraordinary man; and in contemplating its splendour and its pre-eminence over other states, reflects with a degree of veneration, bordering on enthusiasm, on the vigour, integrity, and consummate abilities of the Minister to whom England is indebted for its present glory.

To endowments of the most elevated kind, and eloquence the most impressive, he united great intrepidity and unsullied probity of character. His speeches breathe sentiments of the purest patriotism; and all his views, his measures, and desires, were devoted to one grand and important object—to uphold the dignity—extend the power—and enlarge the commerce of this, his native Isle.

In defending his country from the incursions of anarchy, and protecting its rights from being corrupted or destroyed, if, as pretended, he intrenched on the liberties of the subject, and added to the burthens of the realm, let it be recollected that he lived in times of uncommon difficulty, which demanded all the faculties of his great and enterprising mind, all the resources of his superior and vigorous intellect, to stem the torrent of principles which had hastened the downfal of neighbouring governments, and threatened to bury, in one common ruin, every thing which, as Britons, we had been taught to esteem. To his foresight, his vigilance, and his energy, we owe, perhaps, our very existence as an independent state. With a promptitude, a vigour which can never be sufficiently extolled, he crushed the seeds of revolt and disaffection—restrained the baneful effects of a contagious frenzy—frustrated the machinations of internal enemies, and repelled the ambition of an avowed and gigantic foe. But for the timely and spirited exertion of his prodigious powers, our laws had been subverted—our domestic comforts invaded—our property absorbed;—liberty had degenerated into licentiousness—subordination into disorder—truth had been exchanged for scepticism, and religion for infidelity.

With the exception of a few tranquil years, at the commencement of his brilliant career, when he established a system of Finance, which is the theme of general eulogium, and brought the nation to a pitch of grandeur almost unparalleled, his administration was one continued scene of warfare, replete with great events and unprecedented occurrences. At

the important crisis when, from the melancholy illness of the Sovereign, all appeared to anticipate a Regency, his character shone with peculiar splendour. Then, solely actuated by his inviolable attachment to his King and Country, he resisted the efforts of a Party vehemently struggling for power, and preserved the Empire from tumult and confusion. The revolution of France, so fatal in its consequences to the interests and happiness of Europe, generated a thousand evils, and gave birth to a series of calamities, which nothing but his matchless talents could have prevented from undermining the constitution, and feeding on the vitals of the kingdom. Still in every arduous trial, in every impending gloom, such was the confidence of all ranks and descriptions of persons in his fidelity to his Sovereign—in his zeal for the public welfare—and in the ascendancy of his genius—that they felt a conscious security against projects, however vast or stupendous, which menaced destruction to every well organized and civilized state. But to delineate his various excellencies would require a volume. Suffice it then to say, that having devoted the labours of an active life to the service of Great Britain; to reflect a lustre upon his character beyond the power of language to express, and to engrave his memory in the bosom of every Briton, he expired with this ejaculation of solicitude for its future glory, quivering on his lips;—

"Oh! my Country!!!"

To depict his merits as a statesman, and his virtues as a man, various have been the effusions of the Muse. But

among the numerous verses which have appeared in testimony of his superlative talents, and commemorative of his irreparable loss, nothing can convey a more delicate compliment to his memory, or paint in stronger colours the pre-eminence of his abilities, than the poem of ELIJAH'S MANTLE. It is at once simple, dignified, classical, and correct,—and without any parade of learning,—or ostentatious display of poetical ornament, exhibits, in a strain of refined panegyric, much erudition and good taste. The satire is poignant, but divested of coarseness and asperity—the allusions eminently happy—and the prominent features of the political characters whose conduct it would censure, admirably described.

To preserve, then, an anonymous production of such acknowledged merit, from sinking into that oblivion so frequently the lot of fugitive pieces, however ably written, or momentous the occasion to which they owe their existence, this poem is presented to the public in a form suitable to the importance of the subject, and befitting its intrinsic worth. It will now, doubtless, be received with avidity into the library of every admirer of that immortal Statesman, WILLIAM PITT, and gliding to posterity down the stream of time, partake a portion of his fame, and an emanation of his glory.

London, 20th Feb. 1807.

ELIJAH'S

MANTLE.

1.

WHEN by th' Almighty's dread command,
ELIJAH, call'd from Israel's land,
Rose in the sacred flame,
His Mantle good ELISHA caught,
And with the Prophet's spirit fraught,
Her second hope became.

2.

In PITT our Israel saw combin'd
The Patriot's heart—the Prophet's mind,
ELIJAH'S spirit here;
Now, sad reverse!—that spirit reft,
No confidence, no hope is left;
For no ELISHA'S near.

3.

Is there among the greedy band,
Who've seiz'd on Power with harpy hand,
And Patriot worth assume,
One on whom public faith can rest—
One fit to wear ELIJAH'S vest,
And cheer the Nation's gloom?

4.

GRENVILLE,—to aid thy Treasury fame,
A portion of his Mantle claim,
PITT's generous ardour feel;
'Bove sordid self resolve to soar,
Amidst Exchequer gold be poor,
Thy wealth—the public weal.

5.

Fox,—if on thee some remnant fall,
The shred may to thy mind recall
Those hours of loud debate
When thy unhallow'd lips oft prais'd
"The glorious fabric" traitors rais'd
On Bourbon's fallen state—

6.

Thy soul let PITT's example fire,
With Patriot zeal thy tongue inspire,
Spite of thy Gallic leaven;
And teach thee in thy latest day,
His form of prayer, (if thou cans't pray)
"*O save my Country, Heaven!*"

7.

WINDHAM,— if e'er thy sorrows flow
For private loss, or public woe,
Thy rigid brow unbend:
Tears, over CÆSAR, BRUTUS shed,
HIS hatred warr'd not with the dead—
And PITT was once thy friend.

8.

Does Envy bid thee *not* to mourn?
Hold then his Mantle up to scorn,
His well-earn'd Fame assail;
Of funeral honours rob his corse,
And at his virtues, till thou'rt hoarse,
Like curst THERSITES rail.

9.

But know that these ungenerous deeds,
As long as age to age succeeds,
Shall prove thy glory's bane;
That noxious as the vernal blast,
Shall on thy blighted memory cast
An everlasting stain.

10.

Illustrious Roscius of the State,
New breech'd and harness'd for debate,
Thou wonder of thy age!!!
PETTY or BETTY art thou hight
By Granta sent to strut thy night
On Stephen's bustling stage?

11.

PITT's 'Chequer robe will PETTY wear?
Take of his Mantle then a share,
'Twill aid thy Ways and Means;
And should Fat Jack, and his Cabal,
Cry "rob us the Exchequer, Hal!"
'Twill charm away those fiends.

12.

Sage PALINURUS of the realm!
By VINCENT call'd to take the helm,
And play a proxy's part;
Dost thou a star, or compass know,
Canst reef aloft—or steer below?
Hast conn'd the seaman's chart?

13.

No! from PITT's Mantle tear a rag,
Enough to serve thee for a flag,
And hoist it on thy mast:
Beneath that sign (our prosperous star)
Shall future NELSONS rush to war,
And rival victories past.

14.

SIDMOUTH,—though low his head be laid
Who call'd thee from thy native shade,
And gave thee second birth;—
Gave thee the sweets of Power and Place,
The tufted robe—the gilded mace,
And rear'd thy puny worth:

15.

Think how his Mantle wrapp'd thee round:
Is one of equal virtues found
Among thy *new* Compeers?
Or can thy cloak of Amiens stuff,
Once laugh'd to scorn by Blue and Buff,
Screen thee from WINDHAM's jeers?

16.

When Faction threaten'd Britain's land,
Thy new-made friends—a desperate band,
Like AHAB—stood reprov'd;
PITT's powerful tongue their rage could check;
His counsel sav'd, midst general wreck,
The Israel that he lov'd.

17.

Yes, honour'd Shade; whilst near thy grave
The letter'd sage, and chieftain brave,
The votive marble claim;
O'er thy cold corse—the public tear
Congeal'd, a chrystal shrine shall rear
Unsullied—as thy Fame!!!

W. Wilson, Printer, St. John's-Square.

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Malville, Henry Dundas
The substance of the speech

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